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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial and second periodic reports of States parties

MAURITIUS

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PREFACE

1. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on the 18th December 1979. The Convention opened for signature and ratification by all states on the 1st March 1980 and came into force on the 3rd September 1981 after 20 ratifications or accession had been deposited with the Secretary General.

2. In accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the State parties have undertaken to submit reports to the Secretary-General of the United Nations for consideration by the Committee on the Elimination of Discrimination against Women, a report on the legislative, judicial, administrative or other measures they have adopted to give effect to the provisions of the Convention and on the progress made in this respect.

3. The Government of Mauritius presents its initial report covering the period 1984 to 1991, including background information on former situation and changes occuring after accession to the Convention in July 1984.

4. The report according to the "General Guidelines regarding the form and content of reports by State parties in accordance with article 18 of the Convention" has two parts:

I General Framework, within which the issue of discrimination is approached and;

II Examination of articles 1 to 16 of the Convention and information on policies and measures regarding the implications of each article.

5. The Government of Mauritius has been one of the first in the region to set up a Government machinery for the promotion of Women's Rights. The first Ministry for Women's Affairs was set up in 1976. The portfolio for that Ministry and that of consumer protection was entrusted to a woman parliamentarian. The Ministry was short-lived, and following general elections and a ministerial reshuffle was replaced by a Women's Desk at the Prime Minister's Office, until 1982 when a full-fledged Ministry for Women's Rights was created. The Ministry was headed by a Lady Minister, having equal status as the other Ministers. It was endowed with a budget of its own and has since been expanding its activities geared to the improvement of the status of women while establishing a strong infrastructural base to activate the already existing movement in favour of the emancipation of women.

6. The Government has thus shown and is still showing its determination to champion the cause of women, for even in the days of recession and of structural adjustment, the resources placed at the disposal of the Ministry have not suffered any cuts.

7. In 1984, Mauritius acceded to the Convention on the Elimination of All Forms of Discrimination against Women and in early 1985, a Sex Discrimination Committee was set up to review all the laws with a view to identifying discriminatory ones and to advise on new legal provisions deemed necessary to ensure gender equality. Meantime a series of measures were taken to eliminate all forms of de facto discrimination, the Ministry acting as a watchdog to achieve this objective, with the assistance of an interministerial committee and NGO's grouped in the National Women's Council.

8. To date, the Sex Discrimination Committee has submitted its report and action is being taken to bring the necessary amendments to the laws which had a sex bias. This is being dealt with more lengthily in the report.

PART I

GENERAL FRAMEWORK

A. GEOGRAPHICAL AND HISTORICAL BACKGROUND

9. Mauritius is situated in the South Western Region of the Indian Ocean, 1,100 km east of Madagascar and 2,400 km from the African coast. Mauritian territory comprises the main island of Mauritius, which is situated on latitude 20° South and 57° East and the outer islands of Agalega, St. Brandon and Rodrigues. The land area of Mauritius is about 2000 sq. km only, but within its economic sovereignty it has 1.6 million kms of sea territory. With its nearest neighbour Reunion (a French department), Mauritius forms the Mascareignes archipelago.

10. The island's relief is composed essentially of a central plateau with maximum altitudes of 60 metres, a number of mountainous ranges and the crater of dead volcanoes. Mauritius enjoys a sub-tropical maritime climate, the average temperature is 25°C during the day and 13°C at night. There are two seasons - hot from November to April and mild from May to October. The island lies in the Indian Ocean cyclone belt and is sometimes visited by cyclones of more or less severe intensity.

11. Port Louis is the capital city of Mauritius which counts four other towns: Beau Bassin - Rose Hill, Quatre Bornes, Vacoas-Phoenix and Curepipe. The island is endowed with a good road network that comprises some 1,800 kms of roads - a trunk road that links the main towns - an efficient and modern motorway which extends from the airport, through the capital city to the north. Secondary roads are in fairly good conditions and communication facilities through buses, taxis and cars exist all over the island.

12. Domestic and international telecommunications services are provided by a para-statal organization, which also provides extensive and expanding telephone, telegraph, telex and fax network all over the island. Electricity and safe drinking tap water are present all over the island.

13. Human settlement of the island is comparatively recent, dating back to the seventeenth century A.D. The Dutch people were the first to attempt colonization and gave the island its name. Mauritius became a French territory in 1710. After some 100 years of French rule, Mauritius became a British territory.

14. The country acquired independence in 1968. Mauritius is a member of the Commonwealth. The Dutch, French and British rule brought also influxes of people of Africa, the Indian sub-continent and China. All the three colonisers utilised slave labour from Africa for the development of the island. Sugar-cane, which was introduced by the Dutch, was cultivated as a commercial crop by French and later on by the British rulers. Labour for the plantation was provided by slaves up to 1835, when slavery was finally abolished in Mauritius. Most of the ex-slaves refused to work for their former masters, so the planter community resorted to contractual labour from India, under the indentured labour system.

15. Both during the period of slavery and under the indentured system, women were a minority of the population. Slaves were purchased in the ration of 4 to 5 males per female. At the outset of the indentured system very few women were recruited. The imbalance in the male/female population affected the social stability and so in order to avoid further unrest and problems, women were recruited or encouraged to accompany their husbands.

B. POPULATION - DEMOGRAPHIC TRENDS

16. Presently, the population of Mauritius is about a million inhabitants - it is one of the countries with the highest population density (565 persons per sq. km). The population is multi-racial, multi-cultural, multi-linguistic and multi-religious. It is made up of people of European, Indian, African and Chinese ancestry. The number of languages in use among the various ethnic groups is quite large and Table 2 shows the classification of the population by language usually spoken, while Table 1 shows the distribution of the population by ethnic group.

TABLE 1

1990	
Hindus	539,000
Muslims	176,000
Sino-Mauritians	31,000
General Population	290,000

TABLE 2

1983	
Chinese	4,907
Creole	521.950
English	2.028
French	36,018
Gujrati	531
Hindi	111,134
Maharathi	12,420
Tamil	35,646
Telegu	15,364
Urdu	23,572
Other languages	175

17. Table 3 shows the population by sex, life expectancy for females is 72.2 and for males 64.7.

TABLE 3

Population by sex	Male	Female	Total
1983	481,368	485,495	966,863
1990 (mid-year) Estimates	516,375	520,458	1,036,833

C. POLITICAL FRAMEWORK

18. Mauritius, former British colony has achieved independence within the Commonwealth on the 12th March 1968. It is a democratic state with Her Majesty the Queen of Great Britain as head of state. The Governor General and Commander in Chief of Mauritius is appointed by Her Majesty and is Her Majesty's Representative in Mauritius.

The Legislative Assembly

19. Parliament in Mauritius consists of a Legislative Assembly which is composed of elected persons and which makes provision for the election of 70 members. For the purpose of general elections, Mauritius is divided into 20 constituencies and Rodrigues forms one constituency.

20. The Assembly has a Speaker and a Deputy Speaker chosen from among the members. The Speaker presides at any sitting of the Assembly.

21. The power of Parliament to make laws is exercisable by Bills passed by the Assembly and assented to by the Governor-General on behalf of Her Majesty. The Governor-General acting in accordance with the advice of the Prime Minister can at any time prorogue or dissolve Parliament.

The Executive

22. There is a cabinet which is composed of the Prime Minister and 18 other Ministers. The functions of the Cabinet are to advise the Governor-General in the Government of Mauritius and the Cabinet is collectively responsible to the Assembly for any advice given to the Governor-General by the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

Attorney-General

23. There is an Attorney-General who is principal legal adviser to the Government. The office of the Attorney-General is that of a Minister.

The Judicature

24. There is a Supreme Court for Mauritius to hear and determine any civil or criminal proceedings under any law other than a disciplinary law and such jurisdiction and powers as may be conferred upon it by the Constitution or any other law.

25. The judges of the Supreme Court are the Chief Justice, the Senior Puisne Judge and such number of Puisne Judges as may be prescribed by Parliament.

26. The Chief Justice is appointed by the Governor-General acting after consultation with the Prime Minister.

International Links

27. Mauritius is a member of the Commonwealth, of the Organization of African Unity (OAU), of the African, Caribbean and Pacific States (ACP) of the Indian Ocean Commission and of the Preferential Trade Area for Eastern and Southern African States and also member of the United Nations.

D. ECONOMIC FRAMEWORK

28. Mauritius entered the eighties with severe economic setbacks: balance of payments disequilibrium, soaring unemployment, rapid inflation, acute foreign exchange shortages, high and rising debt services, low savings and low investment. In an effort to grable with the basic problem of economic stagnation, Government embarked from 1979 on a stabilization and structural adjustment programme, which was subsequently accompanied by a revision of the tax structure, introduction of a new package of export incentives and new policies to attract foreign investment and transfer of technology.

29. In spite of unfavourable weather conditions, which adversely affected sugar-cane production in 1979/80, rising oil prices and world-wide recession, progress was satisfactory. Significant improvements were achieved in the overall budget deficit, the external current account balance and the domestic inflation rate. Since 1983, policies laid great emphasis on supply side economics, essentially to boost performance, more specifically that of the manufacturing sector. Through wage restraint, real cost of production was cut down, thus improving competitiveness.

30. After seven years, Mauritius has enjoyed satisfactory high economic growth, almost no unemployment and a favourable balance of payment position. The GDP at factor cost rose from Rs M 10,317 in 82/83 to Rs M 16,450 in 1986 and Rs M 30,730 in 1990.

31. In February 1983 the rupee was delinked from the SDR and pegged to a basket of currencies reflecting the pattern of trade. The rates of exchange prevailing on the 18th July 1991 are:

US$	=	Rs	16.5
UK	=	Rs	27.30
FF 1	=	Rs	2.7

32. Table 4 is a table showing selected economic indication.

TABLE 4 External debt, FDP at factor cost & Debt Service Ratio (1983-89)

	Unit	82/83	85/86	88/89*
(Budgetary) Outstanding debt at end of	Rs Mn	9,296.4	12,547.1	17,592.5
(Budgetary) Outstanding debt at end of	Rs Mn	3,462.7	4,843.8	5,735.0
GDP at factor cost	Rs Mn	10,317.0	15,165.0	24,691.0
Ext. debt % GDP	%	33.6	29.7	23.2
Population at end of	No.	986.609	993.851	1,031.931
Out debt/person	Rs 000	9,598	12,625	17,048
External out debt/person	Rs 000	3,608	4,661	5,558
Debt service	%	-	20.0	13.3
Debt service ratio exclusive of IMF services	%	-	10.6	10.0

Source: Digest of Public Finance, CSO & Bank of Mauritius Annual Reports
* Provision

33. The economy of Mauritius is at present dominated by four main sectors:

Manufacturing	25% of the GDP
Agriculture	13% of the GDP
Tourism and the Service sector	10% of the GDP

34. Manufacturing is the locomotive force in the Mauritian economy today, both in terms of output and employment, although agriculture - sugar-cane production, remains the backbone of the economy with tourism as the third largest sector. The services sector has emerged only in the last few years. It encompasses an extensive range of subsectors inclusive of transport and distribution, hotels and restaurants, management consultancy, banking, insurance, accounting, computer, engineering and architectural, government and other services.

35. The revised estimated public expenditure 1989/90 was:

TABLE 5

External Trade

	1988	1989	1990
Export (f.o.b)	13,454	15,049	18,000
of which sugar	4,449	4,946	5,104
Import (c.i.f)	17,247	20,217	24,000
of which food and live animals	1,746	2,347	2,650

E. THE WOMEN'S MOVEMENT IN MAURITIUS

36. By virtue of its ethnic and traditional societal patterns overall, Mauritius would fall broadly under what would turn the patriarchal structure of society. Women have been subjected to male authority over a very long period. In fact, the early laws of the country were prescribed under the Code Napoleon which did not give equal rights to women.

37. Women were legally subjected to the authority of the husband/father, who were regarded as the responsible party. The Code Napoleon ascribed the status of "minor" to married women.

38. During the period of slavery, slaves were the property of their masters and had no civil rights. The "Code Noir"[1] which came into force in 1723, regulated the treatment to be meted out to the slaves. The law stipulated that slave women had to be punished by their husbands.

39. Indian immigrants came during a period when the status and position of women was very low in India. Social reformers like Raja Ram Mohan Roy[2] were fighting cruel systems

1 Code Noir - Status des esclaves edicte en 1685.

2 Famous Indian Reformer who protected the rights of women in media in the pre-independence period.

like 'Sati' (burning of widows along with their dead husbands) female infanticide, child marriages and denial of education to women. Both Hindu and Muslim women from the Indian subcontinent had low status and were passive recipients of male authority and domination. The status of the agricultural labourer was the lowest during the 19th century and women were granted an even lower status. The history of the women's movement is fairly recent. It is not known exactly when the first women's organization came into existence.

40. Such women's organizations were created with a view to encouraging women to meeting some of their needs in a collective manner and also served as a strategy for reaching out to women for social education and welfare programmes. In the beginning the Women's Associations were effective and there were a lot of issues like nutrition, maternal care, home economics, family planning and welfare which were covered. However, during the 1970's decade, growth and achievements of the associations were slow.

41. During the International Women's Year in 1975, leaders of Women's Associations united together and found that, although the objectives of the various Women's organizations were welfare oriented, there was a lot of duplication of efforts and the lack of unity did not give the women's movement much power and strength. Following this realisation, the representatives agreed to come together under a Federation and thus the Mauritius Alliance of Women was born. It came into full existence as an umbrella organization in 1978. The Mauritius Alliance of Women is a non-political organization affiliated to the International Alliance of Women. Its main objectives are to work for the betterment of women through education and provision of certain services. One of the first tasks was to rally women's support for changing marriage legislation which was discriminating towards women. As a result of its efforts, the new legislation which gives equal rights to men and women came into force in January, 1982.

42. The first Ministry for Women's Affairs was set up in 1976, in the wake of the International Women's Year. However, the Ministry was short-lived and in 1977 was replaced by a Women's Desk at the Prime Minister's Office.

43. In June 1982, following the General Elections, a new Ministry for Women's Rights was created and headed by a woman Minister. In 1985, the National Women's Council was set up. Most women's organizations and associations are presently affiliated to this Council whose main objective is to coordinate all the activities organized by women at various levels.

44. The women's movement today is very active and is continuing its struggle to achieve a better status for women and to integrate women fully into all aspects of development and living. Government objectives in the 1988-90 economic development plan are to:

Reduce any residual sex-based discriminatory practices against women;

Improve working conditions for women and to facilitate the entry of women into the labour market;

Take measures to facilitate the re-entry of women into the labour market after completion of family obligations;

Strengthen welfare services for the community as a whole, with a special focus on needs of the aged.

45. The Women's Associations have a key role to play in the realisation of the above objective. (Ref. National Development Plan 1988/90 MEDP Vol)

F. PRESENT SITUATION OF WOMEN IN MAURITIUS

Economic Aspects

46. The contribution of women has been an important factor to the success of industrialisation in Mauritius. The Export Processing Zone (EPZ) started gaining momentum in the early eighties when women faced by economic difficulties at domestic level, with important male unemployment joined the monetarized sector, in large numbers in the textile sector of the manufacturing industries. This was made easy by the traditional culture and the natural penchant of Mauritian women for sewing and needlecraft.

47. Female Mauritian workers are known for their high dexterity, further the rates of pay were competitive. In a way the creation of the EPZ proved a boom to these women who through employment have obtained access to financial independence and to an improved status, at home and in the work place. Without this opening, they would still be confined to a life of drudgery, uncertainty and instability either staying at home or as household workers, or even performing menial low status and low paid jobs.

48. Tables 6 to 8 reflect on the labour participation of men and women.

TABLE 6 Trends in potentially active population - 1983-88

Year	Male '000	Female '000	Total
1983	322	330	652
1984	328	335	663
1985	334	339	673
1986	339	344	683
1987	342	348	690
1988	346	352	698

TABLE 7 Trends in Labour Force

Year	Male '000	Female '000	Total
1983	258	92	350
1984	261	107	368
1985	269	125	394
1986	278	139	417
1987	281	146	427
1988	287	150	437

TABLE 8 Trends in Participation Rate

Year	Male '000	Female '000	Total
1983	80.12	27.88	53.6
1984	79.57	34.94	55.50
1985	80.54	36.87	58.54
1986	82	40.41	61.35
1987	82.16	41.95	61.88
1988	92.95	42.61	62.60

49. The conclusion drawn from the tables is that between 1983 and 1988, women's participation in the labour force increased significantly. However, employment opportunities for women are concentrated in the low pay, low skill occupations and very few women occupy high level occupations, in the public as well as the private sector.

50. As far as wages are concerned, wage discriminations which were applicable to manufacturing enterprises in the EPZ, were removed in 1984. The principle of equal work applied fully in the public sector. Provisions for maternity leave are uniform in all sectors. The Labour Act which applies to all workers in receipt of wages and salary less than Rs 30,000 per year provides for the grant of leave to a female worker:

> During pregnancy, where she produces a medical certificate to the effect that the confinement is likely to take place within the next 6 weeks;
>
> For a period of six weeks following her confinement.

51. Further in 1990, Government decided that women workers in all sectors covered by a Remuneration order[3] should be granted 12 weeks maternity leave, provided they reckon more than one year service with the same employer. This measure already applies to the Private Sector.

The Family

52. The rapid socio-economic changes experienced in recent years have had far reaching effects on the status of women and the family in general. These changes include smaller family size, increased economic opportunities, higher age at marriage, liberalized laws to protect women's rights, greater access to education and improved health.

53. The interaction of these changes has produced a new generation of women whose sense of values and life styles contrasts with those of their elders. Nuclear families exist side by side with the traditional extended family, although the trend is towards nuclearization. However, it is still a common feature for many members of the same family to reside close to each other, especially in cases of inherited properties, whereby nuclear families develop on cost while family compounds.

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3 Remuneration Order - is an order made under the Industrial Relations Act whereby the Minister commissions a Board - the National Remuneration Board to fix minimum remunerations and the conditions of employment in respect of any category of employees.

G. SPECIFIC ASPECTS OF RODRIGUES

54. Rodrigues is the main outer island of the state of Mauritius situated 560 km east of the island of Mauritius. It has an area of 100 sq. km. with an estimated population of 37,185 at December 1987. The population is mostly involved in public works at the expense of the traditional agricultural and fishing sectors.

55. Table 9 below reflects some of the demographic indicators.

TABLE 9

	1986	1988
Crude birth rate	25.1	24.2
Crude death rate	5.3	4.
Rate of natural increase	19.8	19.3
Infant mortality rate	48.8	34.0
Still birth rate	20.8	25.6
Marriage rate	10.6	9.3

The Economy of Rodrigues

56. About 25% of the land area of Rodrigues is cultivable. Agriculture is mainly of the subsistence type. The main crops are maize, onion and lemons. Livestock rearing is another important activity which is developing further. Fishing is also a key economic activity and 90% of Rodriguans consume fish daily.

57. The road network in Rodrigues is insufficient and inappropriate for the difficult terrain. Over the recent past, a lot of infrastructure works have been initiated but much is left to be done. As a result, public transport is practically inexistant and rodriguans rely on their own to attend to their needs, whether to attend to health and other public services, or to go to school or to work.

58. Some 75% of the island have an electric supply but piped water is available to only some 50% of the population. Thus, half the population relies on wells, springs, rivers and rainwater. Women consequently, spend a lot of time in fetching water for various uses.

The Family

59. The same legal framework is applicable as on the main island. A large number of Rodriguan families are women centred and single-parent female-headed households are a common norm. The incidence of teenage pregnancies is also high. Nuclear type families are the norm.

60. The average number of children born to a Rodriguan women is five. Most children attend primary school, but the standard of achievement is much lower than in Mauritius. The rate of illiteracy among Rodrigues women is high; it was only in 1988 that the Ministry for Women's Rights and Family Welfare in collaboration with the Ministry of Rodrigues, set up an adult literacy scheme with UNICEF assistance and that of the Ministry of Education.

H. LEGAL AND SOCIAL FRAMEWORK REGARDING THE ELIMINATION OF DISCRIMINATION

61. Mauritius acceded to the Convention on the Elimination of All Forms of Discrimination against Women on the 9th July 1984. Reservations were made on Articles 11.1(b) and 11.1(d) and 16.1(g).

62. The rationale behind the reservations on Articles 11.1(b) and 11.1(d) was that Mauritius had then a fragile economy and was just embarking in industrial development. It was considered that it was too early to interfere with the existing legal structure as regards labour as the priority was to offer to prospective investors a stable legal structure to encourage investment and industrial development. Another point which was taken into consideration was that too tight labour dispositions in favour of women might discourage the employment of women - which would not be to their advantage.

63. Now that industrial development is in full swing, and that the country has reached a full employment situation, there would be no strong reasons to maintain these reservations.

64. The reservation on Article 16.1 (g) concerning equal rights to choose a family name, a profession and an occupation was made so as not to disturb the fragile social fabric - specially where the family name is concerned. The right to choose a profession and an occupation is already guaranteed to women in the law - Titre Cinquieme, Chapitre Sixieme, Section 223 du Code Napoleon.

65. Following the signing of the Convention, the Ministry for Women's Rights and Family Welfare, set up the Sex Discrimination Committee in June 1985. The terms of reference of the Committee were:

> To make an inventory of Mauritian law, practices and regulations which are discriminatory;
>
> To study the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and advise on the legislation that needs to be enacted or amended;
>
> To submit proposals for the amendment of discriminatory laws;
>
> To advise on pieces of legislation that need be enacted so as to give equal rights to men and women.

66. The Committee submitted its report to the Minister for Women's Rights and Family Welfare in May 1988. In the light of the findings of the report, action has already been initiated to make necessary amendments to the existing legislation. These will be described in greater detail in Part II.

67. The Ministry for Women's Rights has also embarked on an information campaign to remove stereotypes and negative perceptions and attitudes towards women so as to:

> Inform women of their rights;
>
> Encourage women to participate in all aspects of life.

I. MEASURES AND MECHANISMS FOR THE IMPLEMENTATION OF THE CONVENTION

68. The organizational chart of the Ministry for Women's Rights and Family Welfare is annexed to this chapter.

69. The National Women's Council was set up by an Act of Parliament in 1985 (Act No. 27 of 1985). Its objects are:

To establish and maintain effective communication with women and women's organizations;

To ensure coordination of activities of groups of women and organizations;

To assist in the implementation and evaluation of Government policies as they relate to the needs of women; and

To identify and recommend actions and projects that are likely to promote the integration of women in development.

70. Its functions are:

To examine and evaluate the contribution of women to the various sectors of development in the light of national needs of priorities;

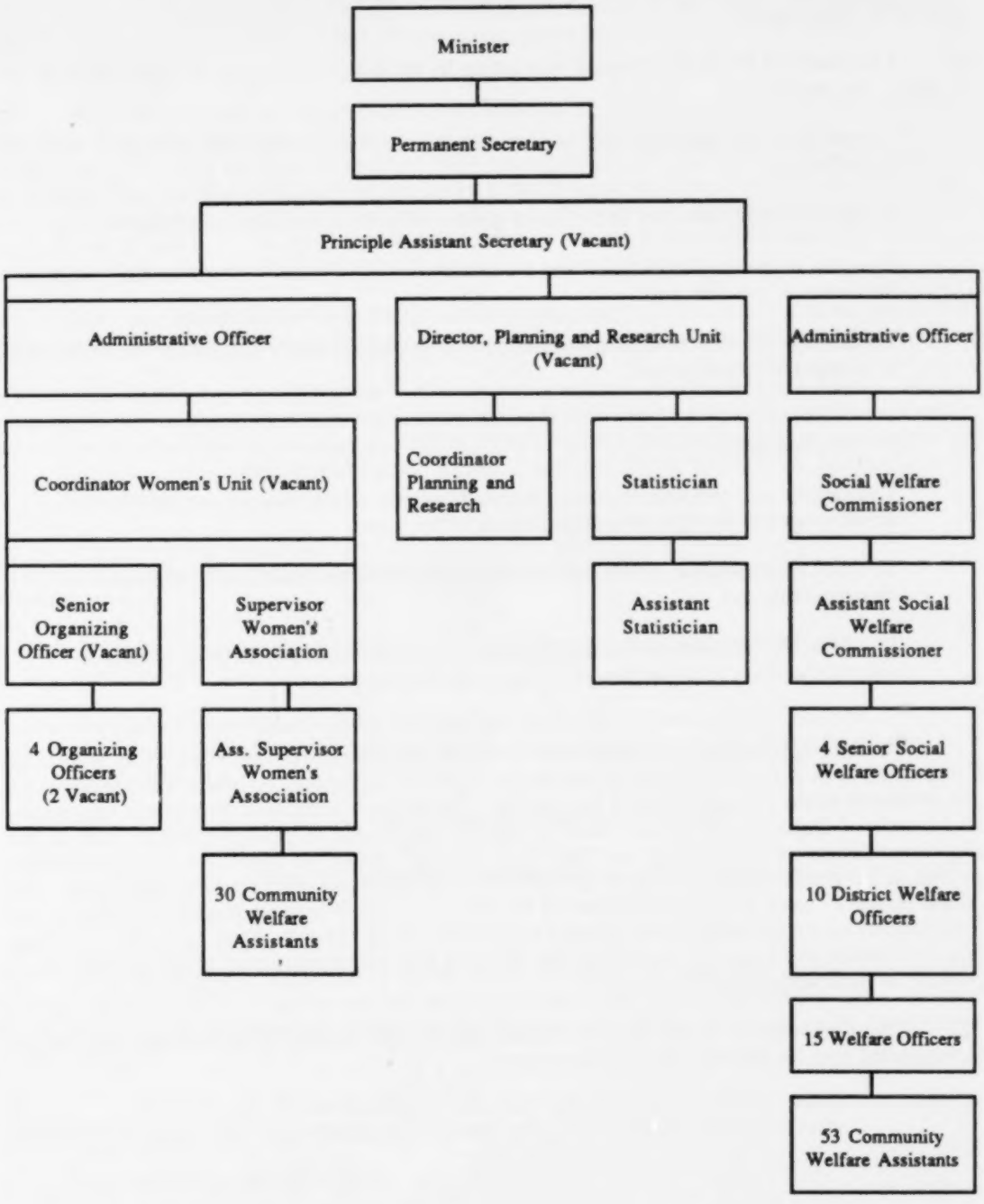
To study specific areas where the participation of women should be invited and strengthened; and

To advise the Minister on the development and implementation of programmes to integrate women in all sectors of national development.

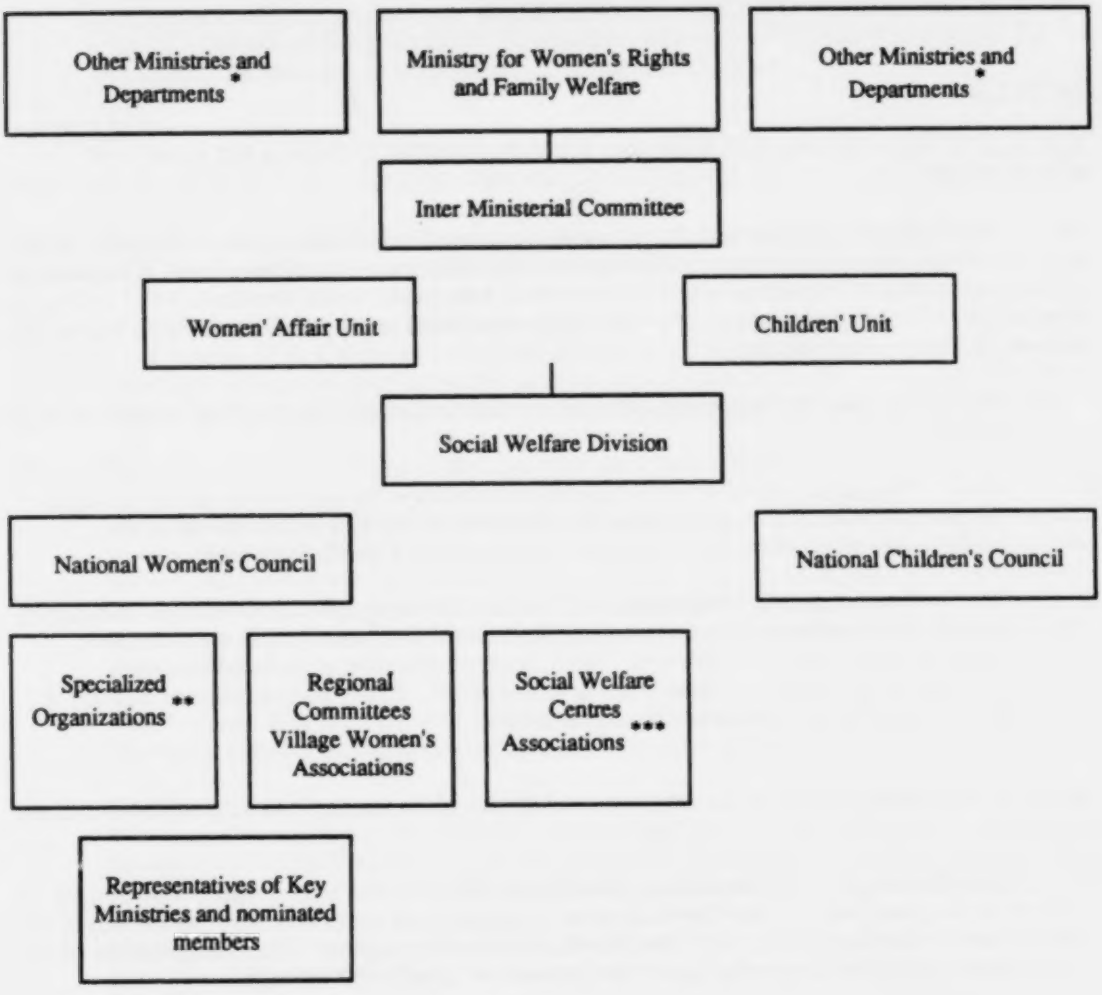
71. An inter-ministerial committee was set up on the creation of the Ministry in 1982. The Committee was revived in 1987 following a seminar organized by the Ministry with the collaboration of the Commonwealth Secretariat. The seminar addressed Permanent Secretaries and Heads of Departments on the need for gender awareness in policy making. One of the recommendations of the seminar was that "desk officers" should be appointed in key Ministries to look at the gender issues arising in the delivery of services provided by these Ministries. The "desk officers" have to draw attention of the Ministry for Women's Rights to the need for intervention in certain areas where women's rights are being flouted. They have also to initiate positive action in favour of women in the drafting and implementation of programmes and projects in their respective Ministries.

72. The Convention is not directly applicable by the courts; its provisions have to be incorporated into the internal laws of the country.

INTERNAL ORGANIZATION OF THE MINISTRY



ORGANIZATIONAL CHART


Other Ministries and Departments *
Ministry for Women's Rights and Family Welfare
Other Ministries and Departments *
Inter Ministerial Committee
Women' Affair Unit
Children' Unit
Social Welfare Division
National Women's Council
National Children's Council
Specialized Organizations **
Regional Committees Village Women's Associations
Social Welfare Centres Associations ***
Representatives of Key Ministries and nominated members

* The Ministry entertains inter-relations with other Ministries and with the Prime Minister's Office first through the Minister in Cabinet and second through the inter-ministerial Committee.

** Specialized organizations comprise national organizations which do not have a regional nature and which have a good structure. These include: The Mauritius Alliance of Women, an affiliate of the International Alliance of Women; Soroptimist International, an affiliate of Soroptimist International; the International Federation of Women Entrepreneurs, etc.

*** Regional Committees group village women's associations. These associations utilize the infrastructure provided by the social Welfare Department and their activities are organized through Social Welfare Centres.

PART II

SPECIFIC MEASURES FOR THE APPLICATION OF THE PROVISIONS OF THE ARTICLES OF THE CONVENTION

ARTICLE 1

EQUALITY PROVISIONS ACCORDING TO THE CONSTITUTION AND LAWS OF MAURITIUS

73. With respect to fundamental rights and freedoms all Mauritian citizens are equal before law. Discrimination based on sex, religion, ethnicity, colour etc. is not permitted. Chapter two of the Constitution of Mauritius which is concerned with fundamental freedoms and civil rights does not describe discrimination. The term discrimination is provided for under Chapter 16, section (1) & (2) which states:

> 16-1 "No law shall make any provision which is discriminatory either in itself or in its effect".
>
> 16-2 "No person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the function of any public office or any public authority".
>
> 16-3 "In this section, "discrimination" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour or creed whereby persons of one such description are subject to disabilities or restrictions". Sex is not included in this list of items regarding the concept of discrimination.

74. Women's organizations are aware of this drawback in the legislative provisions and are pressing for change.

75. The Government of Mauritius, having acceded to the Convention, has sought to implement the provisions of the Convention by incorporating the conditions spelled out in the Convention in Government's policy for development and progress. The commitment of the Government to honour the conditions of the Convention is reflected through:

> The setting up in 1985 of the Sex Discrimination Committee;
>
> The Development Plan of 1988-90. The policy measures and objectives stated in the Development Plan reflect the Government's intention to honour the Convention on Elimination of All Forms of Discrimination against Women.

76. Some of the discriminatory laws have already been amended, e.g:

> The Jury Act has been amended in 1990 (Act No. 31 of 1990) to provide for women as well as men to form part of a Jury;
>
> The Income Tax Act has been amended in 1991 (Act No. 17 of 1991) to enable women professionals to be assessed separately from their husbands. Such privilege was

extended to women who drew remunerations from employment with an employer, before;

The National Pensions Act has been amended in 1987 (Act 18 of 1987) to provide for the payment of a lump sum made up of contributions paid by a female insured person who dies before reaching the age of 60 together with accrued interest to the legal personal representative or to the estate of the deceased person.

ARTICLE 2

PRINCIPLE OF EQUALITY - POLICY MEASURES TO ENSURE ITS IMPLEMENTATION

77. The Constitution of Mauritius guarantees to all individuals, irrespective of sex, fundamental rights and freedoms as referred to in the previous article.

78. In 1986, the Committee set up to study laws that were discriminatory to women submitted its report. This Committee made an inventory of legislation that was discriminatory towards women. It can be seen from the present report that there exists no discrimination against women in respect of marriage laws, administrative laws, penal laws, and labour laws.

79. Following the report, some of the measures undertaken were:

The Ministry for Women's Rights and Family Welfare has designated Desk Officers in all key Ministries. Their job is to ensure that gender issues are taken into consideration and are incorporated in the formulation of policies. The Desk Officers also watch out for any discriminatory practices that inhibit women from taking up services and bring all practices to the notice of the Ministry for Women's Rights and Family Welfare and other relevant bodies;

The National Women's Council and other specialized women's organizations, besides providing services and support for women, also act as pressure groups;

The Ministry for Women's Rights and Family Welfare also commissioned the National Women's Council to set up a Family Counselling Unit in June 1989. The Unit is headed by a Social Worker, who is also supported by a panel of resource persons. Free help and legal support is available to women on a wide range of issues. Counselling services for women are also offered by the local Government institutions - the Municipality of Beau Bassin/Rose Hill, NGO's and Women Organizations such as the Mauritius Alliance of Women, the Mauritius Family Planning Association and Action Familial.

Constraints to Equality

80. However, legislative protection is not sufficient by itself to promote equality between men and women. It is important to understand and know how women perceive themselves in relation to men. No thorough analysis has been done to assess women's perception of themselves and of their socio-economic roles in society.

81. In spite of the difficulties to reconcile professional and family life and domestic responsibilities, over the last two decades several factors have contributed towards changing the traditional role of the Mauritian women. These are:

Education which has broadened her vision of life and increased her social and economic mobility;

The use of birth control methods and a successful family planning programme which have in a small measure brought about attitude changes in society at large;

The rapid industrialisation of the country which increased job opportunities for women in the non-traditional sectors and ensured their full participation in the economic life of the country;

Structural changes in the family patterns with increased economic responsibilities for women;

Greater involvement of women in the decision-making process at the local, regional, national and international levels.

82. In the political arena, women have not had sufficient support and encouragement to stand as candidates at elections. Part of the problem emanates from women's ambivalent attitudes and reluctance to participate in political life and also the attitude of men who often see the political arena as a male dominated area.

83. Both the Ministry for Women's Rights and Family Welfare and other Non-Governmental Organizations have been carrying out social education programmes to inform women of their status, roles and rights in society. More studies are needed on women's perception of equality to understand at what levels and to what extent women at various strata of society understand the concept of equality.

ARTICLE 3

MECHANISMS AND PROGRAMMES TO PROMOTE THE ADVANCEMENT OF WOMEN

84. Mauritius has acceded to the Universal Declaration on Human Rights and the legislative structure of Mauritius has accommodated the philosophy of the Human Rights Charter.

85. The Government has endorsed the Forward-looking Strategies emanating from the Nairobi Conference and appropriate action is being taken as far as possible to implement these strategies.

86. Even before acceding to the Convention, the Ministry had constituted in 1983 an advisory committee to advise the Ministry on action to be taken with respect to provision of specialized services to women with a view to improving their status and standard of living. Concurrently the Minister since her appointment in August 1983 paid weekly visits to grass root women and rural women's associations to identify the needs of this group of women. Subsequently 6 women centres were opened - 3 in the rural and 1 in the urban area of Mauritius and 2 in Rodrigues. These centres are meant to provide educational, information and recreational services to women.

87. Although Mauritius has created a Ministry for Women's Rights and Family Welfare, the Ministry suffers from some serious limitations:

The Ministry does not have enough professional, technical and management staff for promoting the development of women and equality between men and women. Until recently, although operating as a full fledged Ministry, it was headed by a Principal Assistant Secretary. A Permanent Secretary has been appointed on the

1st July 1991. Therefore training programmes and recruitment at a higher level need to be made in order to attract high calibre staff to meet the heavy and complex demands of this sector;

In 1985, the Government set up the Committee to study sex discrimination practices and the legal framework. As stated previously, the committee submitted its report in 1986. Although the legislation 'covering' rights in marriage had been amended in 1982, social attitudes were not in keeping with the legislation. Women at the grass roots were not well informed about their rights. The Ministry, through the women's associations, has been active in undertaking social education programmes to inform and educate women on such legislative aspects. In 1986, in the context of International Women's Day Celebrations, a series of seminars were held on the legal and social needs of women as a recurring theme.

88. The National Women's Council provides a structure for networking, social education, pressure group and service provision. Therefore Government has created structures required to satisfy the conditions of article 3.

89. The police force of Mauritius recently recruited a large number of women police officers. These officers have received special training provided through an initiative of the Ministry, to help deal with cases of wife battering and child abuse. This step was taken after it was found that attitudes of male officers were not helpful to females who had to report their husband/partners for inflicting violence. It is also believed that, when in such strained situation, women tend to relate better to women.

ARTICLE 4

SPECIAL TEMPORARY MEASURES TO ACCELERATE EQUALITY

90. A few special positive discrimination programmes have been constituted. However, here are some areas where action has been taken. First and foremost, the creation of a Ministry for Women's Rights endowed with a budget and structure comparable to other Ministries. Others are:

Education

The Government recently took the decision to convert two of the co-educational State Secondary Schools located in rural areas into State Secondary Schools for girls only. This recent measure can be considered as an act of positive discrimination aimed at encouraging girls in rural areas to stay on at school. Regressive parental attitudes very often prevent further education of their daughters due to unnecessary fears and inhibitions.

Organization

The Co-operatives - The Ministry for Co-operative and Co-operative Development and the Central Bank are giving priority to the development and promotion of women's Co-operative Societies.

Training

Training for the formal employment sector - Industrial sewing programmes of the Ministry of Women's Rights and Family Welfare and other technical training programmes at the Ministry for Economic Planning and Development for industrial

occupations have been mutated. Although it is not a policy decision, in practice, female candidates are given preferential treatment in recruitment.

Motivation and Adult Education

The creation of Women's Centres can be considered as an action of positive discrimination. Mauritius has a very well developed social welfare network. All village localities have access to a social welfare centre, a community centre or a village hall. The Women's Centre is an additional provision through which women can enjoy access to specialized services.

An Adult Literacy Programme for women has been launched, with the collaboration of the Ministry of Education since 1986.

Protective Legislation

Specific protective legislation for women has been introduced in the Agricultural Sector and in the Manufacturing Sector.

ARTICLE 5

SEX ROLES AND STEREOTYPES AND THE IMPORTANCE OF FAMILY EDUCATION

91. Since independence in 1968, the socio-economic scenario has been rapidly changing and bringing in its wake new concepts and cultural patterns. The effective practice of family planning and education are now accessible to girls. With respect to the position of women although the impact of International Women's Year (IWY) and the Women's Decade (1976 to 1985) have not been scientifically studied, IWY made a very significant impact by awakening women and conscientising them to their position and roles in society. Also the celebration by Government and NGO's of the International Women's Day, each year, has an educational supportive role and provides solidarity among women.

92. At its level, the Government by implementing legislation (i.e. amendments to marriage laws) that provides fair and equal status to women has sought to eliminate ideas of male superiority. Yet there is still great difference between what is prescribed by law and what cultural belief and religious philosophy dictate.

93. These were some of the positive measures implemented by the Government to promote greater equality of the sexes through dismantling prejudices and cultural practices that are an obstacle to equality. Even for the Muslim community, the civil laws of the country are supreme. Changing social attitudes is part of the strategy for improving the status of women. Social attitudes and prejudices still need to be changed in the following areas:

Family;

The Education System;

Work and Working Environment;

Societal and Mass media level;

Political level.

94. The measures taken by the Government to combat prejudices and modify the cultural influences at different levels include the following:

Specific actions taken by the Ministry for Women's Rights and Family Welfare

Social education programmes - talks and seminars conducted in Women's Centres to change personal and family attitudes.

Information to women on their rights by special lists in law and encouragement to take action when those are denied. Publication of a booklet "Know your rights".

Publicity campaigns on nutrition, namely special needs of pregnant women and lactating mothers. The campaign "Eat well live well" includes posters and spots on TV.

Programmes addressed at public opinion on the changing roles of women and men in the family and women in non-traditional set up and activities, including publicity spots on TV.

In 1988, the Social Welfare Division introduced classes for boys and men in Home Economics. They help to modify socio-cultural patterns.

Specific action taken by the Ministry for Information through 'the MaBC'

The Mauritius Broadcasting Corporation has been showing plays and TV serials which show how women suffer through prejudices and established cultural patterns.

Television films and serials that show women in action in different types of occupation and situation also help, although this may be incidental, but it has a positive impact specially on the younger audiences.

Specific actions taken by the Ministry of Youth & Sports

The Ministry of Youth and Sports has also been very active in changing social attitudes and prejudices against women. The strategy of this Ministry has been to increase sports facilities for youth with a special focus on needs of the rural population. Providing services readily accessible has increased uptake of the service thereby helping to overcome the attitude that sports are meant for boys only.

During the 1970's, Youth Officers did a lot of reaching out work to girls in rural areas. At the level of the schools, the recruitment of Female Sports Instructors (Physical Education Instructors) has helped to draw in a greater participation of girls in sports activities. However, female instructors and coaches are very few in numbers.

Creation of on-going training programmes:

Leadership Training. These programmes are carried out in conjunction with the National Women's Council;

Training in sports. The number of women coaches is small. Women's sports teams usually have male Coaches/Trainers;

The Prime Minister's Award Scheme (formerly the Duke of Edinburg Award Scheme) which aims at developing healthy activities and attitudes amongst youngsters. The number of male and female participants is almost equal.

Social education and publicity to sport activities where women are also participants, have helped to change attitudes towards sports and other outdoor activities. But more facilities need to be provided in schools in both urban and rural areas.

Family Life Education Programme

Family Life Education is taught in schools and on TV and radio. It focuses on family life in contemporary society and the changing role of women and the need for all family members to share domestic tasks and functions.

Training Programmes for Women

Besides the FLE programmes presented on TV, the Ministry of Education has established Vocational Training Programmes for girls and this demonstrates the Government's commitment to provide for varied job opportunities for girls. However, the facilities are not at par with what is offered for boys.

At the request of the Ministry for Women's Rights and Family Welfare, the University of Mauritius has started a course in Women Studies.

Statistics on Women

The Ministry of Women's Rights and Family Welfare has published two booklets titled 'Women in Figures" in 1989 and 1991. These booklets provide segregated data on women: e.g. population, health statistics, employment in the economic sectors.

Further necessary measures

95. Further measures are required namely as regards:

A comprehensive identification of attitudes and practices that ascribe an inferior position to women;

Revision of textbooks and literature to eliminate stereotyping sex roles;

Youth guidance and career guidance programmes to sensitize women on the new possibilities open to them in terms of careers and occupations;

A more intensive programme through mass media to dismantle cultural practices and attitudes that ascribe to women an inferior status in society.

Problems and difficulties in implanting the principle of equality

96. Mauritius being a multicultural society faces a very challenging task of implementing policies supporting equality of the sexes since many religious customs favour a male dominated

social system and men are not willing to give up their acquired privileges, thus undermining the very foundation of the Convention.

97. Women still face difficulties as regards upward mobility into positions of power and authority.

98. At the level of Professional Education, the courses offered at the University of Mauritius are more male oriented. Women tend to go in more for courses in the Humanities and Social Sciences. Social Science/Humanities programmes for school leavers were very limited at the University of Mauritius. It was only in 1988 that the University of Mauritius launched a Degree Course in Management Studies. As seats are limited, competition for admission is very intense. Therefore only a limited number of girls can hope to get admission into the University. Alternatively, women must resort to higher education overseas. The opportunities for overseas education are also limited, because overseas education is very expensive. Unless higher education facilities are expanded locally, men and women (but more so women) will continue to face handicaps in getting access to higher education.

Final Observations

99. Age old traditions and concepts cannot be avoided easily although industrialisation/free education/and family planning methods have given women a freedom never experienced before in Mauritius.

100. Socio-economic development has enhanced the status of women by providing increased employment opportunities. The same development process has also made women more vulnerable and overburdened because support services for working women are either not available or inadequate.

ARTICLE 6

TRAFFIC IN WOMEN AND EXPLOITATION OF WOMEN

101. According to Mauritian law, soliciting is illegal but laws do not pronounce prostitution itself as being illegal. The legislation pertaining to traffic in women and exploitation of women is contained in section 253 of the Criminal Code Act and in Section 26,890 of the Criminal Code Supplementary Act.

102. In accordance with the Act any person who, to gratify the passions of another and for gain,

> Procures, entices or leads away for purposes of prostitutions, another person;
>
> Exploits, or is an accomplice in, the prostitution of another person, even with the consent of that person, shall commit an offence.
>
> "Any person who commits, or is an accomplice in the commission of, any of the offences mentioned in this sub-section -
>
> Shall commit an offence regardless of motives or gain where -
>
> > The person procured, enticed, led away or exploited is less than 18 years of age of the time of the offence;
> >
> > The person is procured, enticed, led away, or exploited for the purpose of being sent abroad;

> The person is procured, enticed, led away or exploited by the use of fraud, deceit, threat, violence or any other means of duress."

103. No person shall be convicted of an offence under this section upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused.

104. Any person guilty of an offence under the section shall be liable on conviction to imprisonment for a term not exceeding 2 years and to a fine not exceeding Rs 1,000/-

105. According to the law of Mauritius, persons guilty of prostitution would have to be prosecuted for "soliciting for immoral acts". Global experience shows that it is impossible to eradicate prostitution.

106. Mauritius is an island economy with tourism being one of its key industries. It is alleged that the problem of prostitution is growing. There is no study which reflects the nature and magnitude of prostitution in the local context:research and investigation in this area must be encouraged.

107. Based on global experience it must be acceded that it would be difficult to eradicate prostitution. But urgent policy measures are called for to protect public health, as prostitutes are high risk groups for sexually transmitted diseases including Aids.

108. Despite legal provisions, prostitution exists in Mauritius. Although hard data on prostitution are difficult to obtain, it is generally felt that prostitution is on the increase in Mauritius but offences are not easy to establish because of the nature of the organization and the process of prostitution.

109. Section 90 of the Criminal Code Supplementary Act deals with brothel keeping and provides that:

> Any person who:
>
> > Keeps or manages or assists in the keeping or management of brothels;
> >
> > Being the tenants, lesser or occupier, or person in charge of any premises; permits or any part of them to be used as a brothel; or
> >
> > Being the landlord, or lessor of any premises or the agent of such landlord or lessor, lets or continues to let the premises or any part of them with the knowledge that the premises or any part of them are or is to be used as a brothel, or is willfully a party to the continued use of the premises or any part of them as a brothel,
>
> Shall commit an offence and shall on conviction be liable to a fine not exceeding Rs 500 - and to imprisonment for a term not exceeding one year.

110. Further, section 26 provides for the prosecution of idle and disorderly persons.

> Every person shall be deemed an idle person and disorderly person who:
>
> Being a common prostitute, is found wandering in a public place and behaving in a riotous or indecent manner;

Willfully and obscenely exposes his person in any public place.

111. Further action needed:

Punishment of those who exploit the prostitution of others;

Rehabilitation programmes for women who want to get out of prostitution;

Known male and female prostitutes should be registered and given compulsory medical follow up and treatment.

ARTICLE 7

POLITICAL AND PUBLIC LIFE

112. Legislative provisions do not debar women from voting and from standing as candidates at the Legislative Assembly, Municipal and Village elections. All Mauritian women of the age of eighteen years and above have the right to vote. Mauritian women acquired the right to vote in 1947.

113. Although the legislative provisions do not debar women from standing as candidates and holding top positions in government and parastatal organizations, in reality there are very few women in politics and in top positions. Also as regards Legislative, Municipal and Village elections, very few women stand as candidates.

114. In 1976, free secondary education for boys and girls was introduced. For tertiary education, Mauritians are heavily dependent on overseas universities.

115. Since 1982, with the rapid socio-economic development increasing opportunities have been created for the participation of women. The provision of free secondary and tertiary education is enabling girls to move into a variety of occupations and professions and women are now proving themselves in management positions also.

116. The right to be elected as a member of the Legislative Assembly is equal for both men and women. It is required that the person:

Is a citizen of Mauritius of not less than the age of 18;

Has resided in Mauritius for a period of, or periods amounting to the aggregate to, not less than 2 years before the date of his nomination for election;

Has resided in Mauritius for a period of not less than 6 months immediately before that date; and

Is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Assembly.

117. Although women represent only 7% of the Members of Parliament, out of a cabinet of 19 ministers, only one minister is a woman - i.e. - the Minister of Labour, Industrial Relations, Women's Rights and Family Welfare.

118. Tables 10 and 11 below provide information on women representatives in Legislative Assembly and Local Government Institutions.

TABLE 10 Members of the Legislative Assembly (Parliament)

	Men	Women	Total	% of women
1982 Election	66	4	70	7%
1983 Election	65	5	70	7%
1987 Election	66	4	70	7%

TABLE 11 Municipal Council Elections

Male	Female	Total	% of women
117	9	126	7%

119. The appointment as Mayors is by rotation and two women in the recent past have held the office of Mayor. In the past 10 years no woman has held the office of Lord Mayor.

120. There are 98 village council areas, i.e. the local political bodies at the village level. Table 12 below reflects women's participation in village institutions.

TABLE 12 Village Councillors

	Male	Female	Total
1986 Village Councillors	1136	28	1164
Village Presidents (Chairman of Village Council)	98	0	98

121. All political parties are encouraging women to stand as candidates.

Women and the Judiciary

122. According to earlier legislative provision, only males were allowed to be members of a jury. This drawback in legislative provision was highlighted in the report of the committee set up to study legislations that were discriminatory towards women (Report of the Sex Discrimination Committee). The law has recently been amended to allow for women to become members of a jury.

123. There is at the moment no woman holding the post of judge. However, the Master and Registrar is a woman.

124. At the level of the District and Intermediate Courts, women are well represented as reflected by Table 13 below.

TABLE 13 Magistrates

Year	Male	Female	Total
1987	10	12	22

Source: Women in Figures - Page 30. A documentation of the Ministry for Women's Rights and Family Welfare. March 1989.

Women in Top Positions

125. Table 14 reflects on males and females holding professional positions in the Civil Service in Mauritius

TABLE 14 Civil Service

Profession	Male	Female	Total
Doctors	196	60	256
Pharmacists	6	1	7
Attorneys	57	5	62
Barrister-at-law	75	5	80
Architect	55	4	59
Notaries	29	2	31
Accountants	136	6	143
Economists	102	20	122
Statisticians	19	3	22
Engineers	12	1	13

Source: Women in figures - pages 30-31. Data compiled from a survey conducted by the Ministry for Women's Rights published in March 1989.

Diplomatic Service

126. Very few women are serving in important positions in the Diplomatic Service. Only one woman has held the post of Ambassador. At the moment, there are none.

Women and involvement in NGO's

127. Many women are involved in the management and service provision in NGO's concerned with welfare. The NGO welfare sector reflects that women are very active and involved.

Further necessary measures

128. All political parties must make effort to recruit more women to stand as candidates for election. Political parties should give extra help and support to female candidates as an encouragement and as an act of positive discrimination.

129. The National Women's Council should create a sub-committee to act as pressure group and a 'watch dog' to ensure that women are included in recruitment at all levels.

ARTICLE 8

INTERNATIONAL REPRESENTATION AND PARTICIPATION

130. There is no legislative provision which forbids or restricts Mauritian women from participating in the work of international organizations or to represent their country in international and regional conferences, seminars and other forums held overseas or locally.

131. In the Public Sector and parastatal organizations, employees are not permitted to hold two employments or jobs. Should an individual wish to participate in the work of an international organization which does not fall within the scheme of work, a public servant would require prior permission. This applies both to males and females. At the level of senior posts/positions, individuals have the opportunity to participate in consultancies. Mauritian women do however participate in international consultancies and research specially those working at the University and in Government departments.

132. There has been no study carried out to reflect the trends in women's participation in international seminars and forums. Overall, men and women in senior positions in government and parastatal organizations as well as those individuals holding senior posts in NGO's and private organizations, get opportunities to participate in international forums and to represent the country. Women form a small minority of this group and therefore relatively fewer women have the opportunity of participating in the work of international organizations.

133. The categories of women likely to represent the country or who have represented the country at international seminars or participated in the work of international organization include:

Permanent Secretaries who head government ministries. There is only one woman who holds the post of Permanent Secretary;

Principal Assistant Secretary (PAS) is just after Permanent Secretary. There are twelve women who hold posts of PAS. They too have had opportunity to represent the country at international levels;

Administrative Officers who are next in hierarchy are also likely candidates. There are 16 women who hold posts of Administrative Officers;

On the technical and professional side, in the public sector, Economists, Education Officers, women in senior positions in the Medical Service, Law Officers and the few women who are in senior management positions have had opportunity to participate in the work of international organization or to represent the country.

134. Women in the Public Sector and Parastatal Organizations usually get the same opportunities as men. It is in the Private Sector that relatively few women have had the opportunity to represent the country.

135. It is also recognised that when it comes to participation and representation at international levels, it is usually a small group of individuals who keep on participating. One reason is that such persons are in a position of authority and can speak from their positions. Secondly, some individuals are sought out and invited in their individual capacity on the basis of their achievements and past contributions.

136. Nevertheless, although there are reasons to justify why the same people keep representing the country, it is also reasonable to state that more women should be given opportunities and thus allowed to contribute effectively in the work of international organizations.

ARTICLE 9

NATIONALITY AND CITIZENSHIP

137. According to the laws of Mauritius, if a Mauritian woman marries a foreigner, she does not lose her citizenship unless she herself changes her nationality.

138. If a non-Mauritian woman marries a Mauritian citizen, she automatically gets a residence permit to live in Mauritius and is not required to change her nationality and become a Mauritian citizen but she can acquire it.

139. Under Mauritian Immigration laws, foreign women married to Mauritian citizens enjoy more privileges than foreign husbands of Mauritian women.

140. According to law, any spouse of a citizen may acquire the status of a resident. In the case of men, if a man is the spouse of a citizen, he can acquire residence permit but will be required to pay a deposit, not exceeding Rs 20,000. According to the Deportation Amendment Bill of 1983, it is provided that "any spouse of a citizen who has acquired the status of a resident shall belong to Mauritius".

141. Foreign spouses of Mauritian women can apply for Mauritian citizenship. It is a privilege not a right. Each case is determined on its own merit. In practice, foreign wives of Mauritian citizens find it much easier to acquire Mauritian citizenship.

142. According to law, any individual born in Mauritius can acquire the status of Mauritian nationality.

143. Individuals who have resided in Mauritius for more that five years can be naturalised and become Mauritian nationals.

144. According to the law governing marriage and immigration, all Mauritian nationals have the right to apply for a passport. The consent of both parents is required for application of minors. Children can also be included on the passport of one of the parents. The consent of husband or wife is required for including the children on their mother's/or father's passport.

145. Should a Mauritian child travel overseas with the mother, the consent of the father will be required. Consent of the mother will also be required if the child is going overseas with the father.

146. A woman can obtain a passport without the consent of her husband. However, prior to the amendments made to marriage laws in 1982, a woman could not travel or even obtain a passport without the consent of the husband.

147. Should a former Mauritian citizen who has acquired foreign nationality, wish to convert back to Mauritian nationality, he/she has the right to make application to that effect. The reconferring of Mauritian citizenship is based on the merits of each case. It is not an automatic procedure.

ARTICLE 10

EDUCATION

148. The present system of education is structured as follows:

Pre-Primary Education:

3 to 5 years (usually a 2 year programme)

Primary School Cycle:

6 years The age of entry to primary school is 5 years, for all children irrespective of sex. Pre-primary and primary education are co-educational. Primary education has been made compulsory in June 1991. The Education Act has been amended by Act 10 of 1991.

Secondary School Cycle which comprises:

A five year cycle leading to the School Certificate.

Two years for completion of Higher School Certificate which comprises "A" level examinations.

149. Tables 15 and 16 reflect key education indicators.

150. Education at primary and secondary level is free. Primary and secondary education are co-educational but separate schools also exist for boys and girls. There are 16 secondary schools for girls, of which only five are located in rural areas (3 State Secondary Schools, 2 Private Secondary Schools). The rest of the schools are either co-educational or for boys only. Mauritius has a well developed system of primary and secondary education and the enrollment rates are of 90% for primary school (both boys and girls) and 45% for secondary school. From tables 15 and 16, it is seen that an equal number of boys and girls attend schools and it can be inferred from the statistical evidence that there is equality of access to education. Tables 17 and 18 which provide information on distribution of the population by educational level and sex also reflect that women have the same educational opportunities as men at the level of schooling, but at university level, there is a significant disparity.

TABLE 15 Enrollment in primary schools by standard and sex, 1989-1990

MAURITIUS 1989

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	19,059	100.0	9,658	50.7	9,401	49.3
II	20,310	100.0	10,287	50.6	10,023	49.4
III	22,006	100.0	11,071	50.3	10,935	49.7
IV	23,063	100.0	11,681	50.6	11,382	49.4
V	23,117	100.0	11,742	50.7	11,435	49.3
VI	13,389	100.0	6,654	49.7	6,735	50.3
VI Rep	10,622	100.0	5,605	52.8	5,017	47.2
Total	131,626	100.0	66,698	50.7	64,928	49.3

MAURITIUS 1990

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	18,484	100.0	9,403	50.9	9,081	49.1
II	19,053	100.0	9,660	50.7	9,393	49.3
III	20,260	100.0	10,244	50.6	10,016	49.4
IV	21,883	100.0	11,017	50.3	10,866	49.7
V	22,790	100.0	11,514	50.5	11,276	49.5
VI	22,752	100.0	11,535	50.7	11,217	49.3
VI Rep	5,981	100.0	3,058	51.1	2,923	48.9
Total	131,203	100.0	66,431	50.7	64,772	49.3

RODRIGUES 1989

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	954	100.0	491	51.5	463	48.5
II	1,079	100.0	525	48.7	554	51.3
III	1,136	100.0	567	49.9	569	50.1
IV	1,087	100.0	542	49.9	545	50.1
V	910	100.0	454	49.9	456	50.1
VI	823	100.0	414	50.3	409	49.7
VI Rep	314	100.0	154	49.0	160	51.0
Total	6,303	100.0	3,147	49.9	3,156	50.1

RODRIGUES 1990

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	962	100.0	467	48.5	495	51.5
II	940	100.0	485	51.6	455	48.4
III	1,033	100.0	500	48.4	533	51.6
IV	1,078	100.0	531	49.3	547	50.7
V	1,060	100.0	528	49.8	532	50.2
VI	894	100.0	449	50.2	445	49.8
VI Rep	321	100.0	164	51.1	157	48.9
Total	6,288	100.0	3,124	49.7	3,164	50.3

TABLE 16 Enrollment in secondary schools by standard and sex 1988-1989

MAURITIUS 1988

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	15,299	100.0	7,430	48.6	7,869	51.4
II	15,038	100.0	7,420	49.3	7,618	50.7
III	11,594	100.0	5,762	49.7	5,832	50.3
IV	12,013	100.0	6,190	51.5	5,823	48.5
V	10,959	100.0	5,775	52.7	5,184	47.3
VI	7,486	100.0	4,096	54.7	3,390	45.3
Total	72,389	100.0	36,673	50.7	35,716	49.3

MAURITIUS 1989

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	16,083	100.0	7,878	49.0	8,205	51.0
II	14,731	100.0	7,200	48.9	7,531	51.1
III	14,082	100.0	7,023	49.9	7,059	50.1
IV	12,548	100.0	6,324	50.4	6,224	49.6
V	11,053	100.0	5,885	53.2	5,168	46.8
VI	7,659	100.0	4,118	53.8	3,541	46.2
Total	76,156	100.0	38,428	50.1	37.728	49.9

RODRIGUES 1988

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	365	100.0	185	50.2	180	49.8
II	341	100.0	183	53.7	158	46.3
III	243	100.0	114	46.9	129	53.1
IV	216	100.0	120	55.6	96	44.4
V	182	100.0	85	46.7	97	53.3
VI	29	100.0	17	58.6	12	41.4
Total	1,376	100.0	704	51.2	672	48.8

RODRIGUES 1989

	Both sexes		Male		Female	
Standard	No.	%	No.	%	No.	%
I	457	100.0	214	46.8	243	53.2
II	378	100.0	178	47.1	200	52.9
III	265	100.0	143	54.0	122	46.0
IV	194	100.0	84	43.3	110	56.7
V	259	100.0	143	55.2	116	44.8
VI	31	100.0	15	48.4	16	51.6
Total	1,584	100.0	777	51.7	807	48.3

Education Performances

TABLE 17 No. of passes at certificate of primary education. Examinations by sex - 1990

	No. Examined	No. of passes	%
MAURITIUS			
Males	15146	8081	47.8
Females	14491	8810	52.2
Total	29637	16891	100.0
RODRIGUES			
Males	597	167	45.0
Females	590	203	55.0
Total	1187	370	100.0

TABLE 18 No. of passes at Secondary Schools Certificate and Higher School Certificate level by sex - 1990

SC	No. Examined	No. of passes	%
MAURITIUS			
Males	4959	2912	48.8
Females	4554	3054	51.2
Total	9513	5966	100.0
RODRIGUES			
Males	100	28	58.3
Females	82	20	41.7
Total	182	48	100.0

HSC	No. Examined	No. of passes	%
MAURITIUS			
Males	2086	1144	51.4
Females	1879	1082	48.6
Total	3965	2226	100.0
RODRIGUES			
Males	11	4	80.0
Females	4	1	20.0
Total	15	5	100.0

151. It may be noted that the percentage of passes is higher for girls than for boys at both levels of schooling. This achievement is ensured in rural as well as in urban areas. The dropout rates for girls at primary and secondary levels are not significantly higher than they are for boys.

152. The pre-primary and primary schools are all co-educational, but some of the secondary schools (state as well as private) are specifically meant for girls as already mentioned. However, in all schools the curricula, examinations and teaching staff are of the same quality for boys and girls. Girls have the same opportunities as boys to participate in sports and physical education in the schools. In the upper secondary forms, girls and boys are equally represented in the different branches of studies viz. science, arts, economics or commerce and technology. The girls benefit from the same available scholarships or awards that are given to both primary and secondary levels.

Teaching Force

153. Regarding the teaching force in both primary and secondary schools, Tables 19 to 21 below illustrate that a good proportion of the teaching force in Mauritian schools comprises women.

TABLE 19 Employment in primary schools by sex - 1990

	Total	
Category	Mauritius	Rodrigues
Head Teachers	956	10
Deputy Heads	294	16
General Purpose Teachers	3993	195
Asian Language Teachers	1743	-

Category	Male	%	Female	%
MAURITIUS				
Head Teachers	165	64.5	91	35.5
Deputy Heads	214	72.8	80	27.2
General Purpose Teachers	2185	54.7	1808	45.3
Asian Language Teachers	937	53.8	806	46.2
RODRIGUES				
Head Teachers	6	60.0	4	40.0
Deputy Heads	6	37.5	10	62.5
General Purpose Teachers	94	48.2	101	51.8
Asian Language Teachers	-	-		

TABLE 20 Secondary school teaching staff by sex - 1990

	Total	Male	%	Female	%
MAURITIUS	3668	2210	60.3	1458	39.7
RODRIGUES	60	40	66.7	20	33.3

TABLE 21 Employment in secondary schools in Mauritius by sex - 1990

Category	Total	Male	%	Female	%
Senior Management	163	112	68.7	51	31.3
Other administrative staff	554	215	38.8	339	61.2
Teachers	3668	2210	60.3	1458	39.7

Source: Ministry of Education - Educational Statistics.

154. No plausible explanation can be offered for women teachers under representation in senior posts in schools. One factor that may explain for this situation may be that women have entered the profession at a later date than the males because in the past, fewer women had opportunity for education.

155. Moreover, at the secondary level, women Head Teachers/Principals are usually not to be found in boys schools or co-educational schools.

156. Vocational and technical training is conducted at the nine Industrial Trade Training Centres including one for women and Lycée Polytechniques. Private organizations also provide vocational and technical education. In the computer field, however, women are entering in large numbers.

Profile of the educational attainment of the population

TABLE 22 Distribution of population by levels of education and sex - 1990

	Total	Males	%	Females	%
LEVEL OF EDUCATION					
Primary education	131203	66431	50.6	64772	49.4
Secondary education	76440	38242	50.0	38198	50.0
Institute of education (teacher training)	626	325	51.9	301	48.1
University education	1487	1079	72.6	408	27.4

157. However, at tertiary level, particularly at the level of University, women constitute a lower percentage of the total number of students.

158. The Government of Mauritius offers scholarship for overseas studies for students who top the HSC examination. There is an equal number of scholarships for both boys and girls.

159. This system of scholarships has helped Mauritian women to enter the professions, particularly in medicine and law.

Some flaws in the Educational System

160. Although Mauritius has a relatively well developed system of schooling, the educational system suffers from many laws which affect the education of both boys and girls. Some of the weaknesses are:

There is a high rate of failures at the CPE (Certificate of Primary Education) level, which is end of the primary cycle. Only 50% pupils pass the CPE. Schools located in rural areas where inhabitants have lower social economic position, tend to have failure rates as high as 70%. Although it can be stated that Mauritian children have access to education schools are not of comparable standard;

The CPE being a qualifying competitive examination for entry at secondary schools level, the best qualified have access to the highest standard secondary schools;

After completion of secondary education, opportunities for training at the University of Mauritius are limited.

161. Interestingly, over the last two years, an increased number of courses have been offered at the University of Mauritius. At the School of Law, Management and Social Studies, more than 52% of the enrollment are in the Bsc Economics courses, and courses in Accountancy. But still very few women are opting for such areas of specialization although no sex discrimination exists for entry to any course at the University of Mauritius.

Government Action and Policy for the Development of Education

162. The Government of Mauritius is conscious of the problems and laws in the education section. Government policy for educational improvement during 1988-1990 includes:

Bringing education in line with the development needs of the country and promote higher level education and training;

Promote the development of science and technology;

Revise the standard of low performing schools;

Staff development;

Make the educational system more efficient.

163. The above action will benefit both boys and girls. Improving tertiary level educational facilities in Mauritius will greatly improve the opportunities of higher level of training for women.

Tertiary Education

164. The tertiary institutions of Mauritius where women as well as men have the opportunity to pursue higher studies are the University of Mauritius and the Mauritius Institute of Education which is the national body responsible for teacher education. Pre-service training is restricted mainly to the training of Primary School Teachers, while there is a concentration on in-service education for Secondary teachers. The right to enrollment for in-service education is acquired through certain criteria, seniority in schools, being the main one. While the proportion of male/female enrollment is roughly the same at Secondary Certificate and Diploma level, there is a significant difference at the Post Graduate Certificate in Education level as illustrated in Table 23 below. On the other hand, the number of females enrolled for the Pre-service Primary Certificate in Education course is increasing over the years, slightly surpassing the male entrants.

TABLE 23 Enrollment by sex at the Mauritius Institute of Education

COURSE	YEAR 1987		YEAR 1988		YEAR 1989	
	Male	Fem.	Male	Fem.	Male	Fem.
Teacher's Cert. (secondary)	22	11	9	6	9	4
In-service Teachers Diploma (secondary)	76	61	69	62	62	53
Post Graduate Cert. in Educ. (Sec)	101	89	146	155	139	148
Cert. in Educational Administration	13	8				
TOTAL	280	198	279	240	264	222

165. The University of Mauritius has four schools:

Agriculture;

Engineering;

Law Management, Social Studies & Humanities; and

School of Science.

166. While on the whole women have equality of opportunity and access with men in tertiary education, enrollment at the University of Mauritius shows a different picture as can be seen in Table 24 below.

TABLE 24 Distribution of total entrants at the University in 1988/89/90 by sex

	1988	%	1989	%	1990	%
Males	638	72.7	920	74.1	1079	72.6
Females	240	27.3	321	25.9	408	27.4
TOTAL	878		1241		1487	

167. The sex disparity in enrollment at the University can be explained by the fact that the orientation of university education in Mauritius is presently in direction of engineering and technology, agriculture and related studies, law and management. These areas have not traditionally been chosen by women although they should be encouraged to do so. The recently introduced Certificate in Women Studies at the University of Mauritius may account for the slight increase in female entrants in 1988. This points to the need to provide for a greater diversity of curricula and courses at the University in order to facilitate the representation of female students across a wide range of courses, including those in science and engineering. The introduction of Social Science and Law degree courses at the University of Mauritius reflects that locally provided tertiary education does open up opportunities for women. During the academic year 1989/90 the University offered the following degree courses.

TABLE 25

	Male	Female	Total
LLB - Bachelor of Laws	26	20	46
BSc Economics	27	16	43
BSc Management Studies	23	25	48
BSc Accounting	13	14	27
Diploma/BSc Accounting	21	22	43

168. The student intake on these courses reflects that women comprise nearly one half of the intake.

169. Table 26 shows the distribution of male and female academic staff at the University of Mauritius and the Institute of Education in 1990.

TABLE 26 Higher Education Institutions staff by sex 1990

	Males	%	Females	%	Total
UNIVERSITY					
Academic	208	89.7	24	10.3	232
Non-Academic	219	72.1	83	27.9	297
INSTITUTE OF EDUCATION					
Academic	72	80.9	17	19.9	89
Non-Academic	132	62.3	78	37.7	210

170. It may be noted that females constitute a low proportion of academic staff in both establishments. On the other hand, women in both institutions tend to concentrate in "invisible" jobs - cleaning, catering, secretarial and clerical work.

Adult Literacy and Education/Training

171. The Ministry for Women's Rights and Family Welfare with the assistance of the Ministry of Education, has a programme of female literacy which is offered through the Women's Centres and Social Welfare Centres.

172. Other adult education programmes offered by the Ministry for Women's Rights and Family Welfare for girls include training in industrial sewing machines, secretarial and computer studies, home science, sewing, embroidery and handicrafts. Ninety per cent of these programmes are located in rural areas. Girls who fail the CPE examination or drop out at the secondary level, usually follow courses in home science, sewing, embroidery, arts and crafts. These are very traditional type of programmes. There is only one Industrial and Vocational Training Institute for girls. However there are also private schools and schools run by NGO's which provide training for this category in typing, general office work, etc. Training in hairdressing, catering, salesmenship is provided on the job. Private facilities for completion of Primary and Secondary education are mostly located in urban localities. The Ministry for Women's Rights and Family Welfare plans to widen training and educational facilities for rural women.

Sports

173. Mauritius has a Ministry for Youth and Sports. The programme and policies for the development of sports during 1988-90 include to:

Develop and improve the knowledge and practice of sports and practice of sports and physical recreation among the public at large;

Strengthen and support provision of facilities for sports and physical recreation;

Make grants to anyone dealing with sports and physical recreation.

174. The Government's objective is to decentralize sports facilities so as to reduce urban/rural disparities. Attention is also being given to information and training. Academically over burdened children have little time and motivation for sports and leisure activities.

175. The participation of women in sports is gradually improving. Physical education has been incorporated into the school curriculum at the primary and secondary level. However, social constraints still prevent girls from participating.

176. Future necessary measures:

The Government should upgrade the quality of education in rural areas, making rural schools equal with urban schools;

More effort should be made in curriculum development, formal and non-formal, to avoid sex-biased information and to represent women as active members of society;

Career guidance programmes should lay stress on the possibility of girls following courses offered by the University and provide information on professions considered 'male territory';

A more aggressive sensitization of the population at large should be made through the media, on the social and cultural taboos that implicitly act as barriers to girls continuing education.

ARTICLE 11

EMPLOYMENT

177. The Government of Mauritius acceded to the "Convention of Elimination of All Forms of Discrimination against Women" but keeping in view the country's situation, reservations were made in respect of article 11.1(b) and (d).

Government Policy concerning Women and Employment

178. The Government of Mauritius is deeply committed to improving the conditions of women and promoting equality of the sexes. The 1988-90 Development Plan of Mauritius clearly spells out the objectives concerning the welfare of women. These objectives are referred to in Part I of the Report.

Existing Mechanisms for the Implementation

Legal Provisions - The Right to Work

179. In principle, Mauritian women have the right to work if they are 16 years or above and are less than 60 years (retirement age). Married women can open bank accounts and set up business or trade without the consent of their husbands.

180. Mauritian women have a right to choose their profession. However, women are still debarred from employment as seamen or as soldiers. There are no women serving in the army ranks.

181. In the Public Service, in general, most job vacancies do not debar women applicants except where there are specific requirements arising from the nature of the job e.g. firemen, night jobs which are unsuitable for women (watchman). All public service recruitment process apply the same criteria for selection of jobs, for which both men and women are accepted as applicants, the selection criteria are based on qualifications and experience of the candidate. It is noted that no women form part of the Public Service Commission, the Local Government Commission and the Police Service Commission. All these bodies are responsible for recruitment.

182. It is hard to prove that overt discrimination exists regarding employment opportunity, selection and promotion. In the Public Sector there are relatively few women at the top, although women have the same right to promotion and pensions. In the private sector, fewer women are on top positions. One reason is that most private sector firms are essentially family owned enterprises and social attitudes favour male heads and therefore transfer authority and power to males directly.

Social Security, Retirement and Pensions

183. For a developing country, Mauritius has a fairly comprehensive system of welfare services. There are different levels of social security and retirement provisions. In 1976, the National Pension Scheme was implemented and since its implementation has been amended by Acts of 1979, 1981 and 1988. The National Pension Scheme provides for payment of three different classes of pensions.

184. Basic Retirement Pension. This a a non-contributory pension payable to all (including non-citizens who qualify for residency) individuals over the age of 60.

185. Contributory Pensions. Only those who have paid contributions are eligible to receive contributory pension. Self-employed and unemployed persons can also contribute towards the pension. This includes housewives.

186. Industrial injury pensions provide coverage for employed persons.

187. A basic non-contributory widows pension is paid to a widow under the age of 60 years who has not contracted a subsequent marriage. A contributory widows pension, provided the widow has not remarried, is also payable to widows of all ages. The amount is based on the number of pension points earned by the husband. In situations where the husband passes away shortly after participating in the scheme, the pension points earned are enhanced to the average annual rate for 20 years or until the age of 60. The objective is to achieve for the widows a pension equivalent to one sixth of the husband's average earnings for a standard rate contribution or one fourth of the husband's average earnings for the higher rate contributor.

188. Although there is no unemployment insurance, unemployed women who are heads of household are entitled to receive assistance under the "Unemployment Hardship Relief Scheme". The payments however are very low.

189. An invalidity pension is payable to those persons who are disabled or unable to work.

190. An Orphans Pension is payable to children who have no father/parents. Orphan's pensions are not payable to children whose mother is dead.

191. Different pension schemes exist for public officers and certain employees of the private sector. In the public sector, all employees are entitled to a lump sum on retirement plus a monthly pension which is equal to about 50% of the salaries drawn on retirement, in the case of officers who reckon a minimum of 33 1/3 years of service. Officers in the public service may opt for early retirement, on grounds of marriage, for women, in which case they are paid a marriage gratuity. Officers retiring after the age of 50 are paid a reduced pension, in proportion with their length of service. General enterprises of the private sector, besides contributing to the National Pensions Scheme, also subscribe to special pension schemes. Such schemes provide an enhanced pension on retirement.

192. Male public officers contribute to a Widows and Orphans Pension Scheme which pays a pension to widows until death or remarriage and to orphans until they reach 21. Female public officers do not contribute to such a scheme. On the initiative of the Ministry for Women's Rights and Family Welfare, the Government is studying the possibility of introducing such a scheme, in consultation with trade unions.

Social Aid

193. The Social Aid Act of 1983 which supersedes all previous legislation, defines categories of persons entitled to social aid. According to the provision of the Social Aid Act, any person who, as a result of physical or mental disability, abandonment by spouse, sudden loss of employment is temporarily or permanently incapable of earning an adequate living is qualified to claim for social aid. The computation of aid involves assessment of claimant's resources and requirements and an established scale rate is then applied.

Unemployment Coverage

194. The Industrial Relations Acts protects workers against wrongful dismissal. In situation where redundancy cannot be avoided, the Labour Acts provides for payment of severance allowances either at the punitive or ordinary rates, as recommended in specific situations.

195. However, there is no system for unemployment coverage. Given that most women work in enterprises within the EPZ where there is a lot of labour mobility and labour is more vulnerable to redundancy as a result of closure of enterprises, unemployment insurance coverage is warranted. It is therefore desirable that both government and private insurance companies carry out a study for the incorporation of employment coverage within the social security system.

Health and Safety

196. The Health and Safety Act of 1988 provides regulations for maintenance of a safe work environment and for the recruitment of Health and Safety Officers whose responsibilities include the enforcement of health and safety regulations. This law applies to organizations having 100 or more employees. The Labour Law forbids transportation of women in 'goods' vehicles and night work (except for EPZ industries). Breaks for meals and tea are statutory.

Marriage and Reproduction Rights and Protection

197. According to the Labour Law, a female worker may be absent from work during pregnancy, under the following conditions:

A medical certificate to the effect that confinement is likely to take place within six weeks;

For a period of 6 weeks following confinement.

198. In the Sugar Industry, women workers are entitled to 12 weeks maternity leave on full pay and allowance for milk or a glass of milk per day for 3 months after childbirth.

199. If a female worker is in continuous employment for more than 12 months, the maternity leave is on full pay. Under the Labour Laws and the EPZ Act, women are entitled to maternity leave for only three pregnancies. Private firms, para-statal organizations and government (public service) provide for up to three months of maternity leave, but for a restricted number of pregnancies, usually three.

200. Also under the Labour Act of 1975, women may also be given a break of one hour daily to enable them to nurse the child.

201. Legislation does not provide for any paternity leave. In general, Mauritian men take a few days leave to help their wives after birth of their child.

202. The Labour Act protects workers under wrongful dismissal. Therefore, women workers cannot be dismissed on grounds of maternity. This protection is extended to air hostesses also.

Childcare and Family Support Schemes

203. To help women with childbearing and protect the right to reproduction, the Government is encouraging the creation of child care services close to the workplace. Private firms are being encourage to pool their efforts to provide child care and other welfare supports, although at this stage, it is not in legislative form.

204. In 1988, the Government enacted legislation for the creation of the EPZ Labour Welfare Fund which is looking into the whole issue of welfare of industrial workers in the Export Processing Zones.

205. The EPZ Labour Welfare Fund in collaboration with the Ministry for Women's Rights and Family Welfare and UNICEF assistance, has set up 4 day-care centres - 2 on industrial estates and 2 in adjacent areas. The EPZ Labour Welfare Fund has also set up a scheme whereby interest-free loans are granted to factory workers for the purchase of domestic electric appliances, with a view to alleviating the domestic burden of women.

Statistics on Employment

206. Although women in Mauritius have the right to work, because of the dual functions and roles of women this right is not exercised to the same extent as men. There has however, been an increasing participation of women in the labour force as reflected by Table 27 below.

TABLE 27 Female population* 15 years of age and over, by type of activity and marital status - 1983 Census.

Marital status	Total 15 years of age and over	Total Economically active	Type of activity					
			Employed	Economically active			Not Economically active	Not stated
				Unemployed				
				Total	First job seekers	Employed before		
Total	331,975	92,879	66,837	26,042	22,400	3,642	238,989	107
Single	99,666	40,460	20,890	19,570	18,167	1,403	59,160	46
Married**	172,000	35,203	31,418	3,785	2,629	1,156	136,786	8
Consensually married	6,379	1,756	1,394	362	189	173	4,622	1
Widowed	40,397	7,876	7,141	735	388	347	32,478	43
Divorced	1,626	892	723	169	105	64	732	2
Separated	10,874	6,181	4,894	1,287	837	450	4,688	5
Not stated	1,033	511	377	134	85	49	520	2

Source: Women in Employment - 1991

* Includes about 1,800 non-Mauritians

** Civilly and/or religiously married

207. In 1983, women comprised 28% of the labour force. By 1987 women represented 41% of the labour force. It is expected that by 1990, women will represent 46% of the labour force (Projections - 1988-90 Development Plan). The majority of women are employed in low level occupations in production and agriculture. The presence of women in the liberal professions is gradually improving. Table 28 shows employment in large and small establishments and women in the professions. Women concentrate in occupations like factory worker, secretarial and clerical work, domestic service, teaching, nursing and agricultural labour.

208. The age at which a woman can enter employment is 16 years. The age of majority is 18 years. So technically, a girl less than 18 years of age will require the consent of her parents/guardian to take up a job.

TABLE 28 Employment by Major Industrial Group 1988, 1989, 1990

	1988			1989			1990		
	Males	Females	Both sexes	Males	Females	Both sexes	Males	Females	Both sexes
Agriculture & Fishing	36580	13019	49599	35116	12716	47832	34750	12095	46845
Sugar	32629	11093	43722	31222	10887	42099	30750	10345	41095
Tobacco	329	601	930	328	596	924	320	600	920
Tea	2028	859	2887	2031	781	2812	2085	700	2785
Other	1594	466	2060	1535	462	1997	1595	450	2045
Mining & Quarrying	117	107	224	108	108	216	105	115	220
Manufacturing	44656	61599	106255	44804	62954	107758	45283	62472	107755
of which: Textiles	3188	1488	4676	3263	1589	4852	3230	1550	4780
Wearing apparel (except footwear)	24791	53613	78404	23610	54050	77660	22800	53100	75900
Other	16677	6498	23175	17931	7315	25246	19253	7822	27075
Electricity & Water	3417	128	3545	3355	128	3483	3298	132	3430
Construction	9254	143	9397	9773	158	9931	10775	325	11100
Wholesale, retail trade, restaurants & hotels	10503	2910	13413	11250	3235	14485	13440	3910	17350
Transport, Storage & Comm.	11168	1076	12244	10739	1230	11969	11852	1408	13260
Financing, Insurance, Real Estate & Business Services	4556	1864	6420	5004	2154	7158	5550	2710	8260
Community Social & Personal Services	50872	13901	64773	51109	14171	65280	52035	14590	66625
Government	48342	12954	61296	48649	13193	61842	49415	13590	63005
Other	2530	947	3477	2460	978	3438	2620	1000	3620
Activities not elsewhere specified	5330	37	5367	5003	37	5040	4527	38	4565
GRAND TOTAL	176453	94784	271237	176261	96891	273152	181615	97795	279410

TABLE 29 Employment in small establishment by industrial activity and sex, 1985

Industrial activity	No of persons employed				
	Male	%	Female	%	Both sexes
Manufacturing	8382	91.7	755	8.3	9137
Wholesale & Retail Trade	18386	73.4	6669	26.6	25055
Restaurants & Hotels	1845	83.1	375	16.9	2220
Transport, storage & Communication	213	62.1	130	37.9	343
Insurance, real estate & business services	1300	79.5	335	20.5	1635
Educational, health & other social services	1691	39.0	2651	61.0	4342
Recreational, cultural,repairs, & personal services	4586	94.0	290	6.0	4876
Total	36403		11205		47608

Source: Collection of Statistics of Economic Activities (1985-1986)
Central Statistical Office

Note Small establishments are those employing 9 or less persons.

Employment in Export Processing Zone

209. In the manufacturing industries, the majority of job openings are in the EPZ industries. Workers in the EPZ industries are more vulnerable to unemployment and job fluctuations.

210. Table 30 reflects that the EPZ sector has been steadily expanding. Current Government policy is to create more job opportunities for men in the EPZ. As EPZ industries become more capital intensive, men are being drawn to employment in the EPZ. The EPZ sector, however, is still a fragile sector.

211. The labour laws are different for the EPZ sector. In the EPZ, night work for women is permitted. Severance allowance does not apply in the EPZ and female workers in the EPZ can enjoy maternity leave for three confinements only.

212. Married women have the right to work. However, although the law provides for joint decision-making in the family and job applications do not demand the consent of the husband, it would be difficult for a married woman to enter employment if her husband is against her working. Many women will not go against the wishes of their husbands as such action could lead to marital disharmony. On the whole, the trend is that men prefer that their wives also take up employment.

TABLE 30 Employment in EPZ as at June 1975, 1985, 1988, 1989, 1990

		1975*			1985		
		M	F	Total	M	F	Total
a)	Large	1670	8591	10261	10810	33947	44757
	%	16.3	83.7		24.1	75.9	
b)	Small				133	75	198
	%				62.1	37.9	
c)	Out-workers				70	1644	1714
	%				4.0	96.0	

		1988			1989			1990		
		M	F	Total	M	F	Total	M	F	Total
a)	Large	31944	56913	88857	29488	57215	86703	27819	59349	87169
	%	35.9	64.1		34.0	66.0		31.9	68.1	
b)	Small	278	187	465	244	172	416	287	174	481
	%	59.8	40.2		58.6	41.1		62.3	37.7	
c)	Out-workers	69	2226	2295	15	2131	2146	135	2447	258
	%	3.0	97.0		1.0	99.0		5.0	95.0	

a) Large: Enterprise employing 10 or more persons

b) Small: Enterprise employing less than 10 persons

c) Out-workers: Persons working at their home, on materials provided by enterprise

* No breakdown into large, small enterprises or out-workers are available for 1975.

213. Table 31 shows that married women represented 46% of female labour force as reflected by the findings of the 1983 Census.

TABLE 31 Female Employment by Marital Status

Age Group (years)	Total	Single	Married*	Consen-tually married	Widowed	Divorced	Separated	Not stated
TOTAL	67065	21111	31425	1394	7141	723	4894	377
12-14	228	221	7	-	-	-	-	-
15-19	5067	4729	229	40	2	3	48	16
20-24	10681	7394	2709	139	42	37	303	57
25-29	11338	4341	5874	162	151	91	646	73
30-34	10028	2194	5902	222	443	150	1046	71
35-39	8036	909	5000	228	766	130	954	49
40-44	6255	428	3935	189	893	91	673	46
45-49	5733	285	3395	183	1182	102	558	28
50-54	4300	217	2278	113	1266	65	346	12
55-59	4009	184	1741	92	168	45	239	19
60-64	745	101	234	18	338	5	46	3
65-69	384	52	92	5	209	2	22	2
70-74	161	29	22	3	98	1	7	1
75 and over	92	23	6	-	60	1	2	-
Not stated	8	4	1	-	2	-	1	-

* Civilly and/or religiously married

214. The educational profile of the female labour force as reflected by Table 32 below shows that the majority of women i.e. 40% in employment have studied up to Primary School. Thirty per cent have secondary schooling, women with post graduate qualifications are only 3%. A per cent of 3,7 have tertiary and post graduate qualifications.

215. It is also to be seen that 24% of employed women had no schooling. Most of those without any schooling according to the last census, were over 25 years of age. Although the age of entry to employment is 16 years, the census reported that 228 girls between the ages of 12-14 years were employed and 17 of them had no schooling.

TABLE 32 Educational Profile of the Female Labour Force

Educational Attainment	All Ages	Age-Group (years) 12-14	15-19	20-24	25-34	35-44	45-54	55-64	65	Not Stated
TOTAL	67065	228	5067	10681	21366	14291	10033	4754	637	8
Nil	15969	17	135	290	2375	4898	5235	2763	252	4
Pre-primary	46	-	8	4	14	9	5	4	1	1
Primary	26943	183	2949	4298	8522	5443	3450	1670	326	2
Lower Secondary	158	1	23	47	57	22	7	1	-	-
Secondary	21423	26	1950	5817	8977	3204	1133	264	52	-
Tertiary	2279	-	2	215	1294	543	176	44	5	-
Post-Graduate	212	-	-	4	116	65	21	5	1	-
Not stated	35	1	-	6	11	7	6	3	-	1

Employment in the Public Sector

216. Table 33 reflects employment in the public sector; it reflects that women represent 17% of employees in the Civil Service in July 7, 1987.

Existing provisions to eliminate discrimination against women in employment

217. There are no laws which specifically deal with discrimination against women. However, through social education programmes, women are advised to study well their work contracts. If women feel that they have been denied their rights at work and been discriminated, they can take up their case through the Union or otherwise, with the Industrial Tribunal. In 1989, a number of women had indeed taken their case to Court.

218. Besides the Industrial Tribunal, women can seek help through the Ministry for Women's Rights and Family Welfare. Other NGO's and Women's Organizations also try to help through pressure group support.

Unpaid work in the home

219. Housework is not accounted for as work. The income tax laws provide for no additional relief to housewives. There is no systematic way for accounting for unpaid work in the house, in agriculture or other economically non remunerative activities.

TABLE 33 Women in the Civil Service - 1990

	Female	Male	Both Sexes
EDUCATION			
Teacher/Senior Teacher	2283	3678	5961
Head Teacher/Deputy Head Teacher	154	393	547
Inspector/Supervisor (primary)	15	58	73
Other Teachers (Primary)	4	5	9
School Clerk	94	144	238
Education Officer (Grade A)	196	402	578
Education Teachers (Grade B)	179	285	464
Other Teachers (Secondary)	-	47	47
HEALTH			
Nursing Officers/Midwives	1504	1114	2618
Medical doctors	82	410	492
Dentists	7	24	31
Pharmacists	3	6	9
Medical/Dental Assistants	103	102	105
Medical X-ray Technicians	36	137	173
ADMINISTRATION			
Senior Management Cadre (Permanent Secretary/Director, PAS, etc)	24	161	185
Administrative Officers	16	38	54
Establishment/Higher Executive Officers	286	221	507
Stenographers, Typists, Confidential Assistants	773	12	785
Punch Verifier/Operator & Data Processing Machine Operators	66	6	72
Clerical and related works	1193	1334	2527
Social Security Officers	32	158	190
Finance Officers	131	184	315
Customs Officers	27	397	424
Police Force	141	6613	6754
OTHER PROFESSIONALS			
Economists	3	54	57
Statisticians	4	15	19
Magistrates	7	12	19
Engineers	-	52	52
OTHER WORKERS			
Hospital Servants	711	690	1401
Labourers	389	9024	9413
Other	1575	19076	20651
TOTAL	10018	44752	5477
%		81,7	18,3

TABLE 34 Employment in Government Ministries and Departments (December 1989)

Government Services	Both Sexes	Male	Female
Governor General, Judicial, etc.	649	463	186
Prime Minister's Office	9646	9302	344
Min. for Civil Service Affairs & Employment	2968	2841	127
Min. of External Affairs & Emigration	260	171	89
Ministry of Finance	2208	1530	678
Min. of Economic Planning and Development	269	173	96
Min. of Education, Arts and Culture	11069	7721	3348
Min of Trade & Shipping	239	140	99
Ministry of Energy, Water Resources & Postal Services	1289	1205	84
Ministry of Industry	140	89	51
Min. of Labour & Industrial Relations, Women's Rights and Family Welfare	340	210	130
Min. of Youth & Sports & Tourism	344	269	75
Ministry of Health	8289	4895	3394
Min. of Agriculture, Fisheries & Natural Resources	7161	6566	595
Min. of Social Security & National Solidarity & Reform Institutions	1671	1284	385
Ministry of Works	4599	4431	168
Min. of Housing, Lands & Env.	320	240	80
Ministry of Local Government	3147	3105	42
Ministry of Co-operatives	127	97	30
Ministry for Rodrigues	35	20	15
TOTAL CENTRAL GOVERNMENT	54770	44252	10018

Women and unemployment

220. Women should be nominated to form part of the statutory recruitment panels like the Public Service Commission, Police Service Commission and Local Government Service Commission.

221. In 1988, 6848 women were registered as unemployed. The number of males registered as unemployed during the same period stood at 15169. The current reality however reflects that Mauritius is facing a situation of labour shortage, specially in sectors of agriculture, construction and domestic services. Therefore, currently there is over reporting at the employment services. This is due to a number of reasons. Example - Registration with unemployment services can enable better employment, access to Government jobs, and access to training and credit facilities. In 1987, 22% of the unemployed were women. Table 35 reflects on the profile of the registered unemployed women by educational attainment and age.

222. The extent of genuine unemployment is considered to be not more than 5%. The demand for labour based on growth of GDP during 1988-90 is estimated at 38,000 additional jobs. Given the trends in population growth an acute shortage of labour is feared.

TABLE 35 Female population unemployed (excluding first job seekers) 15 years of age and over by educational attainment, age group and sex - 1983 Census

Educational Attainment	All Ages	15-19	20-24	25-34	35-44	45-54	55-64	65 and over	Not stated
TOTAL	3634	379	829	1314	653	353	97	9	-
Nil	631	11	13	163	222	165	53	4	-
Pre-primary	3	-	1	-	1	1	-	-	-
Primary	1723	224	364	613	320	153	39	5	-
Lower Secondary	13	6	2	1	4	-	-	-	-
Secondary	1157	138	431	457	99	28	4	-	-
Tertiary	98	-	17	74	6	-	1	-	-
Post-Graduate	8	-	1	5	1	1	-	-	-
Not stated	1	-	-	1	-	-	-	-	-

Source: 1988-90 Development Plan - MEPD

ARTICLE 12

HEALTH

223. Health care in Mauritius is provided by the public sector and some private institutions. The Health care provided by the public sector is comprehensive and is provided free of charge to all Mauritian nationals irrespective of income. Even visiting foreigners can benefit from the free health care services. Table 36 provides information on Hospital Care Services.

General Health Care Services

224. Government policy regarding health care is to give greater emphasis on preventive services and decentralize the health care services, giving a greater focus to needs of the rural population. Another general hospital in the southern region of the island is currently under construction and expected to become functional in 1990.

225. The total bed space in hospitals during 1988 was 3192 beds of which 2875 beds were provided by government health care services. The ratio of hospital beds was 1:332. Doctor population ration has been constantly improving as illustrated by table 37.

TABLE 36 Medical Care - Hospitals

Type of Provision	Year 1983	Year 1987	Year 1988
General hospitals	7	7	7
Specialized hospitals (e.g. ENT, Eye)	4	4	4
Health Centres *	3	9	14
Community Health Centres	-	40	47
Maternal & Child Health Clinics **	70	85	90
Family Planning Clinics	19	15	12
Family Planning Supply Centres	36	74	96
Private Clinics **	8	9	8
Out hospitals on Sugar Estates	2	2	2

* Includes mobile clinics
** Source: Development Plan - 1988-89 + Statistical Summary CSO 1988

TABLE 37 Doctor Patient Ratio

1972	1983	1987
1:3573	1:1470	1:1319

Source: Page 200 -220 - Development Plan 1988-90

The health personnel in the public sector is given below:-

A. DOCTORS

Year No. of Government doctors

	Male	%	Female	%	Total
1983	310	81,6	70	18,4	380
1987	352	78,4	97	26,6	449
1989	405	82,7	85	17,3	490
B. DENTISTS					
1983	N.A		N.A		23
1987	N.A		N.A		25
1989	25		7		32
C. NURSES AND MIDWIVES					
1983	N.A		N.A		2268
1987	N.A		N.A		2258
1989	N.A		N.A		2673

Source: Health Statistics - Eco. Dev. Plan 1988-90

Family Planning

226. Prior to World War I, use of effective family planning was practically unknown in Mauritius. Soon after the 2nd World War, the effect of rapid population growth began to be felt. In 1968, the Government of Mauritius appointed a Commission headed by Prof. Richard Titmus to advise the Government on Social Policies and Population Growth in Mauritius. Prof. Titmus in his report (1968) emphasized on the urgent need for family planning services in Mauritius.

227. Initially, family planning services were slow to develop because of the opposition from the catholic church and other religious sectors. Therefore, government refrained from intervening directly in the provision of family planning services. In 1957, the Mauritius Family Planning Association (MFPA), a non-governmental organization, opened its doors. The MFPA is affiliated to the International Planned Parenthood Federation. The work done by the MFPA and its achievements in bringing down birth control is a laudable success story. In 1963, the catholic church proposed the use of natural methods for birth control and so another NGO, the Action Familiale, started functioning as from 1967.

228. As from 1965 onwards the Government of Mauritius officially endorsed family planning by providing financial assistance and material to Family Planning Organizations. In 1972, Government assumed control of all except two of the family planning clinics run by the MFPA.

229. Although initially slow to take up, Family Planning in Mauritius is cited as a success story. In 1962, the population growth rate was 3.12. It dropped to 1.94 in 1972 and in 1983 was 1.44%.

230. Current levels of contraceptive use are fairly high for a developing nation like Mauritius. 3/4 of the women in age group 15-49 years are using contraceptives. The figures below show the % distribution of current family planning users by residence - age group 15-49 years.

Mauritius Urban	Rural	Total	Island of Rodrigues Total*
73.7	76.4	75.3	51

Source: Contraceptive Prevalence Survey - Ministry of Health 1987

* The population of rodrigues is mainly catholic. Family planning has been a bit slow to take on in the island of Rodrigues.

231. Family Planning Services are free and easily accessible. The success of family planning is attributed more to women acceptors than male acceptors. It is the women who worked hard to motivate and educate women on birth control, through which women could free themselves from the shacks of continued birth and poverty.

Abortion

232. Women in Mauritius do not have the right to abortion. According to Section I of the Criminal Code:

> "Any person who, by any food, drink, medicine or by violence, or by any other means, procures the miscarriage of any women quick with child, or supplies the means of

procuring such miscarriage, whether the woman consents or not, shall be punished by imprisonment for a term not exceeding 10 years".

233. Laws on Abortion date as far back as 1838. The population of Mauritius has very mixed views on abortion. There is a strong opposition from the catholic church and other religious institutions for legalizing abortion

Criminal Code Act

Section 235 - Abortion

234. The like punishment (i.e. punished by imprisonment for as term not exceeding ten years) shall be pronounced against any woman who procures her own miscarriage, or who consents to make use of the means pointed out or administered to her with that intent, if such miscarriage ensures.

235. Any physician, surgeon, or pharmacist who points out, facilitates or administers the means of miscarriage shall, where miscarriage has ensued be liable, on conviction, to penal servitude.

236. Therefore, abortion is illegal. In societies where abortion is illegal, illegal abortions are resorted to. It is difficult to estimate the extent of illegal abortions. Table 38 reflects on deaths due to miscarriage.

TABLE 38 - No. of deaths due to miscarriage

Year	1984	1985	1986	1987
Deaths	10	10	9	9

Source: Health Statistics - CSO

237. It might look as if abortion is declining. However, it must not be overlooked that abortion techniques are becoming more refined so that there are less complications. It is the poor women who fall into the hands of unqualified and risky abortionists and suffer the consequences of unsuccessful or incomplete abortions. It is then that such complicated cases reach Government hospitals where the hard scavenging task must be performed to save life. Sometimes the job is impossible or too late.

Services during pregnancy

238. The Family Planning, Maternal and Child Health Services of the Ministry of Health offer a wide range of services: ante-natal and post-natal care, domiciliary midwifery, child health, family health education, through a network of health centres, community centres and social welfare centres. It can be stated that 90% of women receive prenatal care. In the public sector, there are 17 gynecologists, 10 pediatricians and 138 midwives.

239. Although health care is freely available, Mauritian women still face some difficulties with maternity care (child birth/delivery) in the hospitals. There is still a shortage of beds for maternity care in government hospitals. It is common knowledge that women in the maternity wards have to share beds. This indicates that the quality and quantity of maternity care services

are insufficient. Government policy for decentralizing health care and the creation of another major hospital in the south of the island will help relieve the pressure in hospital beds at the existing hospitals.

Other services for women

240. The Ministry of Health conducts regular STD - Socially Transmitted Diseased clinics for prostitutes and runs educational programmes on TV and radio on STD.

241. Although the Ministry of Health does not offer pap smear service on a permanent and universal basis, this service is offered by gynecologists in private practice.

Nutrition Education

242. The Government has also intensified its effort on nutritional education. Women, especially working class women, tend to neglect their health. The Ministry for Women's Rights and Family Welfare and the National Women's Council, have created a network of mothers' club since 1986.

243. Through the creation of this network, the Ministry for Women's Rights and Family Welfare is sensitizing women in health and nutrition aspects to ensure that women make optimum use of existing services and facilities. Non-Governmental Organizations like the MAW - Mauritius Alliance of Women, MFPA. Action Familiale also carries out educational programmes in nutrition and health care.

Life Expectancy - death rates 1988

244. The life expectancy of both males and females is fairly high. Average life expectancy of males is 64.4 and 71.2 years (1982-84) for women. The crude death rates for men and women in 1988 were as follows:

	Mauritius				Rodrigues			
Crude death rate	Male	7.7	Fem.	5.6	Male	5.3	Fem.	4.5

Services for destitute and unmarried mothers

245. Destitute and unmarried mothers can be helped under provisions made for social aid. Married mothers are entitled to free health care and ante post-natal services without any discrimination. Sex education and counselling services for young persons are provided by Action Familiale and MFPA and the National Council of Women.

246. The level of social aid is very low as it is a 'part maintenance' not 'income replacement' programme. Unmarried mothers suffer from stigma particularly among Asian communities. One catholic charitable organization 'Couvent de Bonne Terre, Vacoas' provides shelter for unmarried mothers. Unmarried mothers are encouraged to keep their children and the convent helps girls to go out to work so that they can become self reliant.

247. One Hindu charitable organization also provides help to unmarried mothers.

248. Table 39 provides information on single parents. Single women who usually give birth in government hospitals belong to low income groups.

TABLE 39 - Women Headed Households

Category	1972	%	1983	%
Total No. of households	155223	-	199712	-
Households headed by women	29253	18.8	37014	18.5
Single parent households headed by women (with unmarried children)	11584	7.4	15309	7.6
One person household headed by women*	6606	4.2	6921	3
Divorced & separated households	24079	15.5	29980	15

Source: (1) Report of Pop; & Housing Census - Vol VI 1983
(2) Report on Pop; & Housing Census - Vol. VI cso - MEPD
* Includes majority of women.

Strategies adopted by the Government of Mauritius for improving the health status of women

249. The Government's plan of action for Health Care during the period 1988/90 aimed at:

Modernization of hospital facilities;

Strengthening of primary health care services;

Strengthening of preventive services for the prevention of non-communicable diseases which are on the increase. In 1987, 46% of the deaths were due to heart and cerebro-vascular diseases and 5% due to diabetes. Taking into account these facts, the Government has already initiated control measures.

250. The decentralization of services is an important step forward in providing health care on a more equitable basis. Decentralization will help to:

Remove pressure from the main hospitals;

Provide health care with easy access.

251. Government is focussing a lot of attention on preventive medicine particularly as the incidence of non-communicable diseases is on the rise. The methods used include:

Orientation to proper eating - by including nutrition education in primary and secondary school curricula;

Talks and seminars organized by the Ministry of Health in -

Social Welfare Centres and Women's Centres;
On radio and television

Publicity campaign through television and posters. Although this strategy does not focus specifically on women, it meets the needs of both men and women.

Regulations on pre-packed, canned food and frozen foods. Checks are carried out regularly on the quality of foodstuffs imported for sale and the ones displayed for sale in markets.

252. The strategy to strengthen and expand the curative services will also enable the population at large to have better care. The setting up of the above mentioned 180 bed regional hospital in the south of the island will specially facilitate services for the rural population living in the southern region. It is to be noted that health care policies aim at the population in general and not at the specific needs of women and children.

253. The Ministry for Women's Rights and Family Welfare, in collaboration with the National Women's Council, created Mothers' clubs in the rural areas. The objective of the clubs is to make women active participants in bettering their own health and that of their families.

254. At paragraph 239 it was stated that when women deliver children in government hospitals, there is overcrowding in the wards and often two women have to share one bed. The strategy to expand existing hospital facilities and decentralization of hospital care will contribute towards improving the maternity care services.

255. Given the unavoidable relationship between health and the status of women in society, this Ministry has been working in close collaboration with the Aids Unit of the Ministry of Health in order to support its National Aids Control Programme. Regional seminars throughout the country and talks in women's centres are regularly held for the benefit of women in order to sensitize them about Aids and raise awareness about impact of this disease on them and their children.

256. On the occasion of World AIDS Day in 1990, a seminar was organized on "Women and AIDS". On that occasion a declaration from mauritian women was adopted. The text is reproduced at the end of this chapter.

Further necessary measures

257. The services made available for women at childbirth require considerable improvement. Due to the pressure of demand, women can only stay in at the hospital for a very minimum period, very often not more than a day or a few hours when delivery occurs in government hospitals. Only a small minority of women have the means to buy private health care at child birth. Therefore availability of beds for maternity needs to be improved. Women should be discharged from hospital only when fully recovered. The present system provides limited opportunity for full recovery. Bed sharing should also be as far as possible prevented.

258. In terms of quantity, Mauritius has achieved a breakthrough in health care. Focus is now on upgrading the quality of services and prevention of ill health in the first instance. It is known that backstreet/illegal abortions have not ceased. Legislation on abortion should be reviewed.

259. Mauritian women are not very health conscious. The life styles and conditions of working class women often do not even permit them to think about their health. Therefore, relevant education and services have to be provided. Incidence of anaemia is still fairly high among women. Providing services on site of work or near to work place together with social education is a strategy that should be seriously considered.

260. Women rely heavily on the pill as a method of birth control. Women on the pill should be closely followed up for health care and prolonged use of pill as the method of birth control needs to be reviewed. A greater focus also needs to be given to make participation in birth control. Female gynecologists should be posted in Family Planning Clinics, particularly rural clinics.

261. Women have a longer life expectancy than men and often find themselves alone and isolated in old age. Incentives and support should be provided for individuals to set up day care services for the elderly. One useful strategy would be to provide training to individuals who are interested in providing services for the elderly.

"WOMEN AND AIDS"

We women from here and elsewhere Noting that:

10 million people already infected with the AIDS virus

3 million of them are women

By the year 2000 there will be between 20-30 million infected persons

Half of these or more will be women

By the year 2000 there will be perhaps 10 million infected children, the majority of whom will have developed AIDS

Besides AIDS/HIV infection, there are also other sexually transmitted diseases which continue to have a serious impact on the health of women and, through women, of children too.

Declare that:

AIDS underlines the vulnerability of women to sexually transmitted diseases

That vulnerability is a direct result of the socio-economic and cultural realities which too often - in education, at work, in conjugal relations, in legal status - relegate women to a secondary role.

Each inequality perpetuates and reinforces the other inequalities, with the ultimate discrimination in the face of certain diseases, and of sexually transmitted diseases in particular.

Aware as we all are of these inequalities and of their tragic consequences on our health, that of our children, and that of society as a whole.

We assert that we must:

Fight all sexual discrimination

Raise the social and legal status of women

Increase our economic independence

Improve the access of women to information, to education, including sex education

Exercise more power in decision-making processes related to our health, particularly in sexual relations

Get rid of taboos and myths surrounding sexually transmitted diseases

Understand that sexually transmitted diseases are not "women's diseases" but that, on the contrary, women are more often than not the victims of these diseases

Emphasize individual responsibility in sexual relations

Promote more dialogue among couples on matters of contraception and family planning

Promote understanding, tolerance, and support for all the women, all the men, and all the children already suffering from AIDS or infected with the AIDS virus.

ARTICLE 13

SOCIAL, ECONOMIC AND CULTURAL RIGHTS AND BENEFITS

The Mauritian Context

262. In principle, the legal framework exists in Mauritius to facilitate the implementation of the provisions contained in article 13 of the convention. Social attitudes and traditions, to some extent, limit women making optimum use of the facilities and legal provisions.

Family Benefits

263. Mauritius does not have a comprehensive system of family benefits through which all families benefit in a universal manner. Allowances for children and spouses are incorporated into provisions for relief. Tax relief is provided for a maximum of three children only below the age of eighteen years. Relief is also provided for children over 18 years who are studying at University or following other post secondary education.

264. In families of three or more children and whose income is less than Rs10,000 per year family allowance is available. Family allowance introduced in 1961 is paid to residents having a family of three or more children.

265. Family allowance is paid for only three children under the age of 15 years and is usually paid to the mother. The amount given as family allowance is only Rs 50 per month. It is given to poor families so that the petty needs of the child are met.

266. Since its introduction, the socio-economic conditions and needs of the country have changed and thus the system of family allowance needs to be revised and there is now a need to consider the development of a more comprehensive and responsive social benefit system.

Right to credit, loans, mortgages

267. Women have the right to seek bank loans, mortgages etc. As far as the bank loans are concerned, each case is determined depending on the viability of the project for which loan is

sought. A woman would require someone to guarantee or support her application. It does not have to be the husband, though married women would probably use the husband as a guarantee.

268. With respect to mortgage, it would depend on ownership. If the husband and wife jointly own property, the husband's consent will be required.

269. In reality most applications for housing loans are jointly made and secured on bases of mortgages raised jointly by husband and wife. A single woman can secure it by herself if she has the means to provide the securities asked for by the banks. Banking facilities in Mauritius are still inadequate as most banks are not willing to take risks for financing activities for which there is not adequate security. On the other hand, a great deal would be determined by the activity for which finance is sought. Women who have mortgages to pay, get tax relief on the interest payment.

Right to cultural and recreational life

270. Women have the right to leisure, sports and cultural activities. The Ministry of Youth and Sports provides for sports development. The women's associations also provide for recreational and leisure.

271. Besides, women are not debarred from going to the cinema and theater or restaurants on their own. However, socially it is not accepted for women to go to the cinema, theater, nightclubs etc. on their own. If a woman went by herself she would be perceived as 'not very moral' or 'simply looking for trouble'. Overall, Mauritian society is oriented to recreation in groups and not individually.

272. In reality, for most women, there is very little time for leisure and recreation, particularly for married women who are caught between responsibilities of the work place and home.

273. Research findings show that married women spend most of their free time catching up with household chores, helped by their daughters and to some extent, husbands. Television and video recorded films are the main avenue for recreation and leisure for most women.

274. Visiting relatives and picnics to the seaside ranges next as a means of recreation. But very few women know how to swim, in spite of the fact that Mauritius is an island.

Further necessary measures

275. The system of family allowance should be reviewed. At present, families who receive social aid, cannot benefit from family allowance as this amount is deducted for the amount of money given as social aid. Under this system, it penalises the very families that need the allowance most.

276. Women who stay at home to look after young children should be given some benefits and a scheme to this effect is worthy of attention.

277. Family benefits should also help large families, specially if the children are still at school. Under the present system, only three children below the age of 15 years are eligible. It is in the poor families that the children are more at risk of poverty and therefore the system of family allowance needs to be responsive to this group.

278. 'Consciousness raising' tasks need to be undertaken to help the population understand the importance of leisure. Both men and women need to be made aware of this area although women need a greater focus given that they are the ones deprived most of leisure and recreation.

ARTICLE 14

RURAL WOMEN

279. The rural areas comprise 98 village council areas. There are however some localities which are neither in village council area or municipal area. Ever since Mauritius gained Independence, concentrated efforts have been made to improve the living conditions of the rural population. Table 40 shows evolution of the rural/urban population since 1962.

TABLE 40 Population: Village Council Area

	1962			1972			1983		
	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female
Urban	306800	152012	154788	364678	180464	184213	403251	199573	203678
Rural	374819	190294	184525	461521	233115	228406	563612	281795	281817
%Rural	55.0	55.6	54.4	55.9	56.4	55.4	58.3	58.5	58.1

280. It is to be noted that in the Mauritian context there is not a great difference between urban and rural areas.

281. Shortly after independence, with the assistance of the World Bank, the Government of Mauritius launched the Rural Development Programme in 1973, with the objective of improving the living conditions in the rural areas. The strategy was to start with the poorest areas first. Under the programme the activities covered were:

Rural Construction Works:

- Construction of roads;
- Provision of piped water supply;
- Reafforestation;
- Construction of Community and Health Centres;
- Construction of village markets.

Provide employment for rural youth;

Promote kitchen gardening and livestock rearing with the objective of promoting greater self reliance in agricultural and food production and generation of income for rural families.

282. The Rural Development Programme covered all the rural districts and has now been converted to regional development programme.

283. The Social Structure of the rural society, like the rest of Mauritius is patriarchal.

Rural Employment/Occupations

284. The Sugar Sector was the main source of employment for the rural population until 1983. (Please refer to table 28 which reflects employment by major industrial group)

285. Table 28 clearly reflects that the female labour force in agriculture is declining. Younger workers are not attracted to agricultural occupations except in the flower industry which is not very labour intensive. The figures presented in Table 28 are for employment in large establishments and refer to the three main agricultural sectors: sugar-cane, tea and tobacco. The small farmer concept, as is universally understood, does not strictly fit into Mauritian context. Mauritian villages have evolved from "Labour Camps" on lands made available by Sugar Estates during the 18th and 19th centuries. Rural women have been very active in the informal agricultural sector as traditionally they have been involved in backyard gardening and livestock rearing.

286. Economic and industrial development is diversifying employment opportunities for the rural population and rapidly transforming rural life. Until 1982, the main sector of employment for the rural population was agricultural. They were mainly labourers and artisans in the sugar and tea industries.

287. The full impact of industrial development on rural population is not fully understood, as no systematic study has as yet been done to study the impact of industrialisation. Some visible and felt impact is the shortage of labour in the agricultural sector, some environment degradation and changing food habits. The total land area under food crop cultivation and production harvested has declined as shown by Table 41.

288. This is a worrying situation as the demand in food is rising, more so as the tourist industry is fast expanding.

TABLE 41 Food Crop and vegetable production statistics

	1984	1985	1986	1987
Area harvested	5308	5345	6296	5017
Production (tons)	60955	67195	65700	53130

Source: Page 95, Economic Development Plan 1988-90

289. Women are very active in the agricultural sector, and often their work is not recorded. Although wages in the agricultural sector are higher than in the industrial sector, younger workers are not motivated to go into agricultural occupations.

290. Mauritius is prone to cyclones, which make agriculture a very vulnerable activity. Overall, rural areas are regarded as less developed. The tendency for the educated/elite (including planters) has been to move to urban areas. In recent years this migration to urban areas has slackened due to:

The rising price of land in urban areas;

Improved facilities and infrastructures in the rural areas.

291. Government's policy to industrialisation has led to the creation of industrial zones in rural areas.

292. Both males and females have benefitted from rural industrial development which comprises manufacturing enterprises dominated by textiles and knitwear. The distribution of males and females is unbalanced. Two thirds of the production workers are women who work from 7.00 a.m to 5.00 p.m., whereas the workday in agriculture is generally from 6.00 a.m. to noon.

Rural development

293. Government efforts to develop the rural areas have been successful in improving infrastructure and all rural households have access to electricity supply. But, rural areas still have fewer facilities compared to urban areas. Some of the areas where differences are more marked are: transportation, education and training facilities, telephones, market facilities and water supply.

294. Rural areas have benefitted from improved infrastructure. The construction of two new trunk roads built from 1983 to date, has greatly facilitated the linkage to rural areas. More highway projects are in pipeline.

295. Overall, the road structure of Mauritius is fairly well developed. Mauritius has a road intensity of 1 km per square kilometre and 92% of the roads are tarred. Although road intensity is high, quality of roads needs improvement, particular in the rural areas where many roads have been built on tracks in canefields with inadequate base and topping.

296. The public transport system in rural areas is inadequate. The schedule is often not respected, thus the infrequency leads to unnecessary delays and disruption of service. The frequency of services is also not the same as for urban localities.

TABLE 42 Commercial Vehicle Fleet

Type	Actual 1984	1985	1987	Projected 1990
Taxi	2735	2931	3358	3887
Goods T.	8309	8897	9626	12126
Passenger Bus	1094	1092	1143	1606

Source: National Development Plan 1988-90 (page 189)

297. Women in the rural areas are provided transport by their employer in the Sugar Industry when they work at a distance of more than 3 miles from home. Rural industries also provide transport, but rural workers may also walk or take public transport.

298. For social and recreation needs, a great majority of the rural population uses public transport. Very few women in the rural areas (and urban areas also) own their own transport.

299. Government decision to remove all duty from gas cookers has greatly facilitated the tasks of rural women by saving them time and energy needed for collecting fuel wood. At the same time it has helped protect the environment.

300. The removal of tax on video recorder has benefitted rural women who can now have some recreation which was formerly inaccessible. However, it is important that the quality of films should not reinforce sex stereotypes, to which women are exposed.

301. Mauritius has a well-distributed radio and TV network. One hundred per cent of households own a radio and it is estimated that the number of households with TV is also the same (Source: 1988-90 Development Plan - page 26). With the opening of a second channel, more opportunities are available for non-formal education (distance learning which will meet the adult education needs of the rural population).

302. The Housing and Population Census reflected that 100% of the households were connected with electricity in 1987. Table 43 reflected on trends.

TABLE 43

Year	1972	1983	1987
% of Households	70.1	93.2	100.0

303. However, from time to time, some households may still not have electricity because they cannot pay the bills (Source: Housing & population Census - 1972, 1983. Projection for 1987).

304. The demand for electricity has increased from 305 Gwh in 1987 on growth of 32%. The heaviest demand came from the industrial and commercial sectors. The number of domestic consumer during the same period arose from 163, 507 to 179, 687.

305. With the creation of industries and industrial zones in rural areas, rural population has benefitted from the supply of infrastructure.

Rural sanitation and infrastructures

306. According to the last census 98% of housing units have toilet. The rural areas do not have a scavenging service. Not all rural localities have street lighting.

307. There is a good network of social welfare, community centres and health care centres and dispensaries in the rural areas. These social centres hold a lot of potential for the provision of support services and training facilities. The Ministry for Women's Rights and Family Welfare is offering the following facilities to women:

Training in the use of industrial sewing machines;

Training in use of computers and typewriting and secretarial courses;

Social Education and Home Economics;

Library and Information services in the rural areas;

Creches and day care centres;

Counselling services.

308. In order to reach out to the rural women, the Ministry for Women's Rights and Family Welfare recruited 12 additional Social Welfare Officers to help provide services for the rural population in particular women.

309. Rural women associations are affiliated to the National Women's Council and through this organization, rural women are being helped with:

Adult Literacy Programmes;

Cultural and recreational activities;

Handicrafts and other training programmes.

310. Overall, the status of rural women is lower than the status of urban women. It is government's policy to bridge the gap in the facilities available to urban and rural women. With this in view, the Government approached the problem at the very root i.e. the education system. The best schools and teachers were to be found in the urban areas. Thus now urban teachers are posted to rural localities.

Difficulties/Problems encountered by rural women

311. Rural society is basically very traditional and paternalistic. Males occupy a superior status. The secondary status assigned to women is an obstacle to their taking up of legal and other protective services which have been developed to improve the conditions of women. Some areas where problems are felt:

The best of education and training facilities are located in urban areas. There is a tendency to concentrate training institutions (both Government and those provided by private individuals) in urban areas.

The rural population tends to avoid situations whereby women have to travel long distance for education or work. The best teachers are also posted in urban areas.

Most financial and commercial institutions are urban oriented. Figures below provide data on banks in rural and urban areas.

No. of banks	
Urban Areas	Rural Areas
75	50

Includes sub-offices and agencies.

Major shopping complexes are invariably urban. In Mauritius, hawkers transport basic goods to the very doorstep of rural households which, to some extent, relieves the problem of shopping. But then the range of goods is limited, quality is often inferior and the prices higher.

Mauritius is a small island with a comparatively adequate system of transport. Therefore the problems arising from urban/rural disparities are not so complex and are also not comparable in scale to larger countries.

Water supply

The global objective of the Government is "to meet the growing needs of the various categories of water consumers in the most efficient manner possible" - (ref. Development Plan 1988-90). Water supply is the responsibility of the Central Water Authority (CWA) a parastatal organization.

According to the two previous Census Reports of Housing, units had piped water supply.

The demand for potable water has continued to increase due to population increase and rapid development of industrial, commercial and tourism sectors. Overall, water consumption fell from 63.7 million cubic metres in 1985 to 52.4 in 1987. The drop was significant in the domestic sectors. The water demand for irrigation also marginally declined from 1.4 million cubic metres to 1.2 million cubic metres. The Government of Mauritius is conscious of the water problem in the rural areas and is taking appropriate short and long term measuring.

The present system of water distribution reflects that rural areas face problems of water supply much more than urban regions. The shortage of water is acute during day spells. Women in many rural localities still spend a great deal of their time fetching and storing water for family use. It is not uncommon for rural localities to be without water for days. Part of the problems arise from the fact that pumping and distribution equipment is old and subject to breakdown.

The current plan outlay for improving district water supply system in the north and eastern part of the island will bring some relief to the rural population. The fact that rural women are also taking up industrial employment, make it more urgent that water supply should be effective and women should not be unduly burdened in managing their domestic roles and functions. Shortage of water also affects other activities like livestock rearing and backyard gardening.

Although the census reports that 100% of households have electricity breakdown in supply is common in the rural localities, particularly remote fishing villages.

Rural women, like their counterparts in urban areas, are also feeling the problems related to child care as there are few facilities for childcare in these areas.

Although there exists a good network of health care centres, the number of chemists in rural localities is very limited.

Fishing

312. Population involved in fishing live in coastal rural areas and are amongst the poorest members of the community. The fishing industry is very traditional. It is only with the modernisation that the fishing industry and the lot of fishermen's families can be improved. The development of hotels on coastal regions has opened up avenues for employment for both men and women, thereby helping fishing families enjoy more stable incomes. The State also helps fishermen by giving financial compensations during bad weather.

313. In such a community, the incidence of alcohol consumption is high and literacy levels are low.

314. A compulsory fishing insurance scheme should be devised to protect fishermen families, as fishing is a hazardous activity, particularly due to the fact that lagoons are being depleted of fish and fishermen need to venture further into high seas in boats which are not very appropriate.

315. Therefore the fishing industry needs to be developed and urgent measures need to be taken to prevent depletion of the lagoons due to pollution and over fishing.

Further necessary measures to improve the conditions of rural women

316. Educational facilities in rural areas should be provided at par with urban localities in terms of quality, training and adaptability. Libraries having video, audio and printed material could, to a great extent, enhance rural living and development.

317. Transport services should be improved for school children, working community and the general public.

318. The services provided through the Social Welfare Centres should be reviewed to adapt them to the changing needs and social climate.

319. Rural population have to pay more for basic goods. The Ministry for Trade and Shipping should regionalise the price enforcement branch, so that rural shops do not overcharge or offer goods for sale which are not wholesome.

320. The system of marketing of agricultural products is not well developed. Thus, if women are involved in the production of vegetables, milk etc, most often the males do the marketing, often depriving women of the income they have earned a right to. Therefore, the marketing structure should take into account the needs of women who are not a very mobile group. The agricultural sector should not be sacrificed as it would affect the health and nutrition of the family and the future generation.

321. The cooperative section could prove to be very useful in marketing goods produced by men and women in rural areas. Women's cooperatives can help improve the conditions of rural women.

322. There is a high incidence of alcohol consumption in rural areas. This affects family budgets and disrupts harmony in family life. Although Mauritius has high incidence of alcoholism, in general, there is less help available for rural population. Therefore, services and therapy groups need to be created to support families affected by alcoholism and related problems. A study of alcohol consumption among women would be useful in understanding the patterns and providing a data base for promotive activities.

ARTICLE 15

EQUALITY BEFORE THE LAW

323. Chapter 2 of the Constitution provides for protection of fundamental rights and freedom of the individual. Section 3 under this chapter reads:

> "It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms"

324. Section 16 of the Constitution deals with protection from discrimination, except when it is lawfully provided, as quoted on the Chapter concerning Article 1.

325. However, the meaning given to discrimination in this section state, "discrimination means affording different treatment to different persons attributable wholly or partly to their respective descriptions by race, caste, place of origin, political opinions, colour of creed." The word 'sex' is not included.

326. Women organizations are unhappy about this legislation and are seeking reforms.

Action taken by Government of Mauritius with respect to article 15

327. As referred on the I part of the report under chapter on Legal and Social Framework in 1985, the Government of Mauritius set up a committee to look into the issue of discrimination based on sex. The Mauritius approach has thus been to identify discriminatory legislation in the first place and then make the necessary amendments.

328. The Committee submitted its report in 1986. This document was the basis for Government action in the process of developing legislation to provide equality for women. In summary the Committee reported the following disparities:

329. Marriage laws provide for three options: contracts, separation of property and joint property. However regarding the administration of the property of minor children power was granted to the father. Mothers were only required to give 'consent'.

330. According to the Labour Act, a female worker in the sugar industry who has worked for more than 10 years may elect to retire at 58 or be pensioned off by her employer. This does not apply to males.

331. The National Pensions Act was discriminating towards women because a widower got no pension should his wife predecease him. Now he gets a lump sum.

332. Under the Civil Status Act, dealing with concealment of birth, provision is made for the prosecution of the mother when the birth is natural (illegitimate). There are cases where couples live together and therefore the burden should also be borne by the father where known.

333. Section II of the Income Tax Act interprets 'incapacitated person' as meaning a minor, a married woman living with her husband and who has not elected to be assessed separately or a person suffering from mental or physical disability.

334. Under Section 8 of the Income Tax Act, it is established that the gross income of a married woman who choose to be jointly assessed with her husband shall be aggregated and form part of the income of the husband; so the assessment is made in the husband's name.

335. Married women who elect for separate assessment are not provided relief with respect to

Child allowances;

Dependant relatives;

Household employees.

336. Further married women are not entitled to a relief of 30% when they subscribe to share capita..

337. Previously women could not become members of a Jury, but this discrimination has been amended.

338. Non-mauritian husbands of Mauritian women are given less favourable treatment.

339. The Passport Act requires a married women to give additional information which is not demanded from a married man.

340. In 1981, following the demands made by Women's Organizations, the Government of Mauritius amended the laws relating to marriage. The amendments to the Code Napoleon have given women a greater equality in matters relating to marriage, right to property, income, set up business, etc. Some of the improvements resulting from the amendments to Code Napoleon include:

Married women can set up trades and business for which they do not require the husband's permission. Although the legal provision exists, because of culture and customs, women are reluctant to set up any business without the consent and approval of the husband or father.

Prior to 1980, women were treated as minors and had no right to manage their own properties/business which were managed by the husband. But now, women can manage and administer their own business enterprises and can enter into contracts.

In principle, Mauritian citizens are free to choose their residence. However, under the civil marriage regulations, residence is selected mutually by both husband and wife.

Mauritius is a patriarchal society and although there is no legal restriction, by customs and tradition, unmarried women would stay in their parental home or under the care of a male relative until they marry. Working women/women who have the financial means are free to purchase their own homes and do not require the consent of anyone. However, very few women possess such independent means/resources.

Overall, the situation reflects that women are given equal legal status in most laws. However, amending laws alone will not help. It is also the social attitudes which must be changed to allow equality to women.

ARTICLE 16

MARRIAGE AND FAMILY

341. As previously stated, marriage and family laws have had to be amended to ensure equality of both spouses.

342. The previous law did not recognize religious marriages; therefore the man could have a religious marriage and another wife with whom he could be civilly married.

343. Earlier, children born under religious marriages were referred to as being natural. If the father failed to acknowledge the child and the father's name did not appear on the birth certificate, such a child could not claim heritage rights. The situation of women was very vulnerable and many such families were abandoned by the father and had to be helped by public assistance.

344. Amendments to the previous legislation provide for the recognition of religious marriages but such marriages should be registered. This brought about an improvement to the status and position of women within marriage. Mauritians attach a great importance to the marriage ceremony, especially Hindu and Muslim Committees.

345. Illegitimate or natural children have the right to inherit their father's property and wealth and the disadvantages attached to illegitimacy have been removed.

346. Both men and women have the same right to enter marriage. The legal age for marriage is 18 years old for both boys and girls. A person aged less than 18 years but more than 16 years would require parental consent. For the marriage of a person aged less than 16 permission will be required from the Court. The Judge would decide the case.

347. Although legally, it is foreseen that for both boys and girls, the same criteria are applied, culturally girls under 18 are most vulnerable and may have little say in a marriage arranged by their parents. However, the trend in Mauritius is to marry off children with their consent. Although arranged marriages are still popular, especially among the population of Asian origin, love marriages are now becoming common.

348. There are different options available concerning the marriage contract. Individuals have the option to choose between marriage contracted under 'Regime Legal de Communaute" i.e. Communaute de biens or under the "Regime of Separation de Bien". They can also agree on a marriage contract specifying conditions.

349. Under the 'Regime de Separation de biens', both spouses retain and manage their property and wealth separately.

350. Further, there is no legal provision forbidding cohabitation.

The management of home and child rearing

351. The Law provides that both husband and wife are responsible for maintaining the house and caring for the children. It is the duty of the husband to provide for the food and jointly undertake household responsibilities as prescribed by law.

352. A married woman has the right to live in the family home as long as she lives and no one can push her out. Formerly, many women were ill-treated by 'in-laws' when the husband dies.

353. In cases where a married woman has marital problems with the husband, the law can forbid the husband from entering the conjugal home if it is proved that the wife is in danger of physical violence or cruelty inflicted by the husband.

The decision to have children

354. In principle, the law provides for sharing and joint decision making and this could be extended to the decision to have children. Women however, in practice have little choice. The 'son' is still prized and a woman may continue to have children in the quest for a male child. A woman cannot be sterilised without the consent of the husband but family planning clinics do not demand consent of husbands or parents if a woman wishes to have recourse to other normal family planning methods.

355. The fact that Mauritius is cited as a success story in family planning, reflects that women are allowed to practice birth control.

356. The Mauritius Family Planning Association also carries out educational campaigns on television focussing on male cooperation. Very often, it may not be the partner but the pressure to bear a male child may come from the elderly women i.e. usually the mother-in-law.

Right to name

357. After marriage, a woman has to take on the name of her husband but she has the right to retain her own surname; her children will have to take on the name of the father.

Choice of profession or occupation

358. Although in principle, a woman has the right to choose her profession, in practice, Mauritians select their profession in consultation with parents. The family may not have the means to provide for the training and this affects free choice.

359. For married persons, the law provides that women can set up business, open accounts or borrow without the permission of her husband.

360. As a rule, Mauritian women do not object to their wives working but may influence the type of job she takes. Men do not favour jobs which demand a lot of mobility and late hours of work. Men also prefer that their women earn less than them.

Adoption

361. The adoption of children is based on what is best for the child. The general rule is that a child should have both a father and a mother. But if the situation is in the interest of the child, a woman can adopt a child. However, in the Mauritian context, for a Mauritian women, it would not be easy to adopt a child.

Divorce and Annulment

Annualation of marriage

362. A marriage is annulled in case of non-consumation of marriage owing to physical defect on part of either partner. In other cases, divorce or separation is the course of action for marriages that are unsustainable.

363. According to law, 'Le Divorce peut etre prononce soit en cas de faute, soit en cas de rupture de la vie commune'. Divorce by mutual consent is not sanctioned by law.

364. 'Faute' (meaning fault) - means any wrong done by one of the spouses. The wrong may range from adultery, cruelty, aggression or lack of attention.

365. 'Rupture de la vie commune' means that the couple has stopped living together for a period of 5 years, and a decree of divorce is granted by the Court.

366. Divorce can also be asked by a party whose spouse has been sentenced to imprisonment for a period of 5 years or more.

367. The procedure of divorce requires filing a petition and engaging a lawyer. As regards children, custody is given to the parent who is best able to care for the child. The Court acts solely in the interest of the child and a third party can also be given custody.

368. The religious attitudes to divorce are varied in Mauritius. The Roman Catholic Church does not recognize divorce. The catholics who remarry outside the church are not excommunicated.

369. The Muslim law permits divorce but Muslims still have to follow the Civil Code procedure in Mauritius.

370. In the Hindu Community, marriage is considered sacred and the woman must respect her husband as 'The Lord and Master'. Divorce occurs in the Hindu community but culturally, it is looked down upon.

371. Divorced parties are allowed to remarry, but only after dissolution of marriage. A woman can contract a second marriage only after 300 days from the dissolution of marriage. This condition does not apply to men.

372. However, the '300 days of waiting before remarriage' does not hold good if the women gives birth to a child immediately after the dissolution of marriage.

Litigation money

373. Litigation money can be claimed by the wife. This covers main divorce proceedings and all other proceedings which will convert the provisional decree into a permanent one.

374. Litigation money is provided only if the woman has no means to pay for the Solicitor and Lawyer.

Property and Alimony

375. In case of divorce under 'Regime Legal de Communaute' property is divided between husband and wife. Property includes money and moveable and immovable items. Under 'Regime de Separation' each spouse takes back what belongs to him/her.

376. Usually, the Court orders a spouse to give an alimony for the support of the other spouse if he/she obtains the divorce exclusively on grounds of wrong committed by other spouse. The Court also orders a fixed amount for maintaining of children to be paid to the spouse who obtains custody of children.

377. The old divorce laws assumed that husbands were responsible for the financial support of their former wives. The new laws are based on equality between men and women and assume that women are now equally capable of supporting themselves and their children.

378. In reality, it is women who are emotionally and economically more vulnerable to divorce and therefore the law does not always work out well for them.

379. The equality in divorce settlements often produces unequal results because the law ignores the real inequalities that exist in marriage and between men and women. It is wrong to assume that a woman can quickly enter the labour force and become economically independent.

Separation

380. According to Article 269 of Code Napoleon Amendment 21, one of the spouses can make a petition to the Court to put an end to cohabitation. Under legal separation, the couple is authorised to live apart. If one of the party dies, the survivor has the status of widow/widower.

Incidence of divorce and divorce statistics

381. Divorce statistics based on year 1985-1988 reflect that the number of divorce cases is increasing and in most cases, petition for divorce is filled by the wife.

TABLE 44 Number of Divorces

Year	1984	1985	1986	1987	1988	1989
No. of divorce cases	471	468	616	842	740	711

Causes of divorce

382. Ninety per cent of the cases in 1988 were due to 'faute, 2.9% of divorces were granted on grounds of 'Rupture de la vie commune', 6.8% of divorces were granted on grounds of 'torts partages'.

CONCLUSION

383. The preceding report has examined each of the 16 articles of the Convention on the Elimination of All Forms of Discrimination Against Women in connection with the Mauritian reality.

384. It has tried to illustrate the important legal and administrative provisions that have been adopted to deal with the issue of discrimination and equality of opportunities.

385. However, even if legislation provides for equal rights and responsibilities, mentalities and cultural practices still constitute obstacles making change a slow and gradual process.

386. The Government of Mauritius, however, states its strong commitment and political will to achieve this goal, as it considers the participation of women and their full integration in society as an essential element for development and establishment of true democracy.